

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ANGELLE CONCRETE GROUP, LLC

AI # 1343

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

* Settlement Tracking No.
* SA-MM-22-0057
*
* Enforcement Tracking No.
* MM-CN-13-00843
*
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SETTLEMENT

The following Settlement is hereby agreed to between Angelle Concrete Group, 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 ready-mixed concrete facility located in Denham Springs, Livingston Parish, Louisiana (“the Facility”).

II

On June 8, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-13-00843 (Exhibit 1).

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 EIGHT THOUSAND SIX HUNDRED NINETEEN and 85/100 DOLLARS (\$8,619.85), of which Two Thousand One Hundred Nineteen and 85/100 Dollars (\$2,119.85) 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 Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

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

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing

to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

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

IX

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

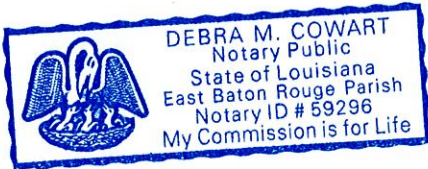
ANGELLE CONCRETE GROUP, LLC

BY: Brian Trauernicht
(Signature)

Brian Trauernicht
(Printed)

TITLE: CEO

THUS DONE AND SIGNED in duplicate original before me this 10th day of October, 20 22, at Baton Rouge, LA.



Debra M. Cowart
NOTARY PUBLIC (ID # 59296)

Debra M. Cowart
(stamped or printed)

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

BY: Celena J. Cage
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of December, 20 22, at Baton Rouge, Louisiana.

Dwana Christy King
NOTARY PUBLIC (ID # _____)



Approved: Celena J. Cage
Celena J. Cage, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 8, 2015

CERTIFIED MAIL 7004 2510 0006 3853 1441
RETURN RECEIPT REQUESTED

ANGELLE CONCRETE GROUP, LLC
c/o Brian Trauernicht
Agent for Service of Process
425 Florida Boulevard SE
Denham Springs, LA 70726

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-13-00843
AGENCY INTEREST NO. 1343**

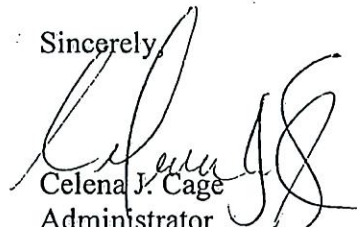
Dear Sir:

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 **ANGELLE CONCRETE GROUP, 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 Roy Andermann Jr. at 225.219.3169 or roy.andermann@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/RJA/amh
Alt ID No. 1740-00022, LAG110029
Attachment



c: Angelle Concrete Group, LLC
425 Florida Avenue. SE
Denham Springs, LA 70726

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
ANGELLE CONCRETE GROUP, LLC	*	ENFORCEMENT TRACKING NO.
LIVINGSTON PARISH	*	
ALT ID NO. 1740-00022, LAG110029	*	MM-CN-13-00843
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	1343
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ANGELLE CONCRETE GROUP, 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 Angelle/Delta Concrete – Denham Springs Plant (the Facility), a ready-mixed concrete facility, located at 425 Florida Ave. SE, Denham Springs, Livingston Parish, Louisiana. The Facility currently operates under Air Permit No. 1740-00022-00 issued December 31, 1986. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LAG110029 on October 6, 2009, with an effective date of March 15, 2009, and was modified to add two additional outfalls on April 13, 2010; LPDES permit LAG110029 expires on March 14, 2014. Under the terms and conditions of LPDES permit LAG110029, the Respondent is authorized to discharge process wastewater and process area stormwater from outfall 001A into an unnamed internal ditch, and from outfall 001B into an unnamed parish ditch, thence into Grays Creek. Stormwater and aggregate spray from sand and gravel unloading areas and stockpiles of washed sand and gravel

from outfall 003 and nonprocess area stormwater from outfall 004 discharge into an unnamed parish ditch, waters of the state.

II.

On or about July 16, 2013, the Department received a complaint regarding particulate emissions from the baghouses for cement and/or ash silos, as well as dust from concrete trucks during loading and other operations at the plant. The complainant provided photographs of visible airborne emissions located at the baghouses as well as during other operations at the Facility. During an inspection by the Department on July 19, 2013, trucks were observed driving from both the back and front of the Facility, causing particulate matter to become airborne and travel off-site. The paved areas throughout the Facility were covered in a thin layer of dry particulate matter and both paved and unpaved areas of the Facility were dry. A representative of the Respondent informed the inspector that the Facility does not use a water truck or other means to control dust from becoming airborne. The inspector also noted that a section of paved area south of outfall 01B and west of the process wastewater pits was not clean. At the time of the investigation, the baghouses were not in use and no visible particulate emissions were observed.

III.

A citizen compliant investigation was conducted by the Department on September 6, 2011. The inspector noted that a section of paved area was not clean, which is required under specific condition 3 of Air Permit No. 1740-00022-00. This area of concern was cited as a violation in Notice of Corrected Violation AE-CV-12-00516 issued on October 17, 2012.

IV.

On or about July 19, 2013, an inspection of the Facility was conducted as a result of a citizen complaint of particulate matter blowing off-site. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. During the course of the inspection, the inspector noted particulate matter generated from operations at the Facility becoming airborne and traveling off-site onto surrounding properties. The Respondent's failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. During the course of the inspection, the inspector noted that a section of paved area located south of outfall 01B and west of the process wastewater pits was not clean. This is a violation of specific condition 3 of Air Permit No. 1740-00022-00, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- C. Photographs from the complainant of Facility activities on July 16, 2013, reveal visible emissions from baghouse vents. According to a repair log provided by the Facility, two bags in the ash silo had holes in them and were replaced on July 17, 2013. The baghouse(s) were thus not used and diligently maintained in proper working order, with a particulate matter removal efficiency of 99%. This is a violation of specific condition 1 of Air Permit No. 1740-00022-00, LAC 33:III.905.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

V.

An inspection conducted by the Department on or about October 29, 2013, revealed unauthorized discharge of pollutants to waters of the state from a source or location not authorized by a permit. Specifically, a discharge of wastewater containing concrete residue from concrete trucks was found in a ditch behind the facility, along with waste concrete, soil and gravel that had been deposited into the ditch from a project to grade the area; the discharge point is located in the northeast area of the facility and is not permitted. Each incident of unauthorized discharge of pollutants to waters of the state from a source or location not authorized by a permit is a violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D

VI.

Inspections conducted by the Department on or about September 6, 2011, July 5, 2012, and July 19, 2013, revealed that the Respondent failed to comply with conditions of the LPDES permit. Specifically, the facility has allowed solids and visible foam to be discharged from outfall 001B to a local drainage ditch located on the north side of the facility, causing an accumulation of solids and foam in the ditch. The solids changed the natural background color of the receiving stream and stained the discharge channel. Also, visible solids and foam were noted in the receiving stream (Gray's Creek) at the time of the inspection. Each incidence of discharging solids and/or visible foam from outfall 001B is a violation of LPDES permit LAG110029 (Part I., Section B, Page 8 of 16), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A, and LAC 33:IX.1113.B. Failure to prevent significant changes of color to the water in the receiving stream is a violation of La R.S. 30:2076(A)(3), and LAC 33:IX.1113.B.2.a. Staining

attributable to the discharge of visible solids is a violation of LPDES Permit LAG110029 (Part I, Section B, Page 8 of 16), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

VII.

A file review conducted by the Department on or about July 8, 2014, revealed that the Respondent exceeded the effluent limitations contained in LPDES permit LAG110029. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

Date	Outfall	Parameter	Permit Limit	Sample Value
July 2009	001A	Total Suspended Solids	50 mg/L	54 mg/L
January 2010	001A	Total Suspended Solids	50 mg/L	72 mg/L
March 2011	001B	Total Suspended Solids	50 mg/L	192 mg/L
		Oil and Grease, Total	15 mg/L	46.9 mg/L
April 2011	001A	Total Suspended Solids	50 mg/L	285 mg/L
July 2011	001B	Total Suspended Solids	50 mg/L	186 mg/L
August 2011	001A	Total Suspended Solids	50 mg/L	54 mg/L
September 2011	001A	Total Suspended Solids	50 mg/L	440 mg/L
November 2011	001B	Total Suspended Solids	50 mg/L	62 mg/L
March 2012	001A	Total Suspended Solids	50 mg/L	99 mg/L
March 2012	001B	Total Suspended Solids	50 mg/L	180 mg/L
		Oil and Grease, Total	15 mg/L	17 mg/L
December 2012	001B	Total Suspended Solids	50 mg/L	134 mg/L
March 2013	001A	Total Suspended Solids	50 mg/L	84.4 mg/L
	001B	Total Suspended Solids	50 mg/L	56.8 mg/L
April 2013	001A	Total Suspended Solids	50 mg/L	84.4 mg/L
December 2014	001A	Total Suspended Solids	50 mg/L	147 mg/L

Each effluent exceedance is a violation of LPDES permit LAG110029 (Part I, Section B, RLP 1 Outfall 001 (page 8 of 16); Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

VIII.

A file review conducted by the Department on or about May 28, 2015, revealed that the Respondent failed to submit DMRs. Specifically, the Respondent did not submit the DMRs for outfall 003 for the December 2012 monthly reporting period, for outfall 004 for the March 2014 monthly reporting period, for outfalls 001A, 001B, 003, 004 for the July 2014 monthly reporting period, and outfalls 001B, 003, 004 for the December 2014 monthly reporting period. Failure to submit DMRs is a violation of LPDES permit LAG110029 (Part I, Section C.7), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the facility to waters of the state.

II.

To immediately take, upon receipt of the **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Air Quality and Water Quality Regulations, permit limitations and conditions contained in Air Permit No. 1740-00022-00 and LPDES permit LAG110029. This includes, but is not limited to, mitigating airborne particulate emissions using methods and techniques described in LAC 33.III.1305.A.1 through 7, preventing the discharge of visible solids and foam, preventing significant increases in color to the waters in the receiving stream, and meeting permit limits for each parameter, in accordance with permit requirements.

III.

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

IV.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: NetDMR
Re: Enforcement Tracking No. MM-CN-13-00843
Agency Interest No. 1343

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

Unit at deqnetdmr@la.gov.

V.

To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

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: Roy Andermann Jr.
Re: Enforcement Tracking No. MM-CN-13-00843
Agency Interest No. 1343

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. MM-CN-13-00843
Agency Interest No. 1343

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 Roy Andermann Jr. at 225.219.3169 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

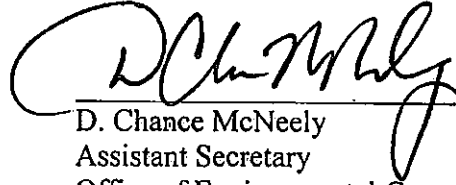
III.

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 8 day of June, 2015.



D. Chance McNeely
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: Roy Andermann Jr.