

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BLAST TECH LLC

AI # 195547

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

* **Settlement Tracking No.**
* **SA-MM-21-0049**
*
* **Enforcement Tracking Nos.**
* **MM-CN-17-00602**
* **AE-CN-18-00022**
* **AE-CN-18-00403**
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SETTLEMENT

The following Settlement is hereby agreed to between Blast Tech 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 owns and/or operates a sand blasting facility located in Broussard, St. Martin Parish, Louisiana (“the Facility”).

II

On October 13, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-17-00602 (Exhibit 1).

On May 1, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00022 (Exhibit 2).

On December 11, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00403 (Exhibit 3).

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 EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$18,000.00), of which Two Thousand Seven Hundred Fifty-Nine and 26/100 Dollars (\$2,759.26) 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), the Consolidated Compliance Orders & 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 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 St. Martin 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 over a period of thirty-six (36) months in the amount of \$500.00 per month. The first 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.

BLAST TECH LLC

BY: [Signature]
(Signature)

Andre Fortou
(Printed)

TITLE: VP

THUS DONE AND SIGNED in duplicate original before me this 14th day of March, 20 22, at Lafayette, LA

[Signature]
NOTARY PUBLIC (ID # _____)

MICHAEL G. JOHNSTON, II
NOTARY PUBLIC
LOUISIANA BAR ROLL NUMBER: 32520
MY COMMISSION EXPIRES AT DEATH

(stamped or printed)

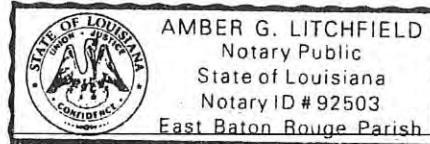
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 11th day of May, 20 22, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 13, 2017

CERTIFIED MAIL (7016 2140 0000 5132 7485)
RETURN RECEIPT REQUESTED

BLAST TECH LLC
c/o Joseph C. Giglio, III
Agent for Service of Process
900 East Saint Mary Blvd. Ste. 200
Lafayette, LA 70503

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-17-00602
AGENCY INTEREST NO. 195547**

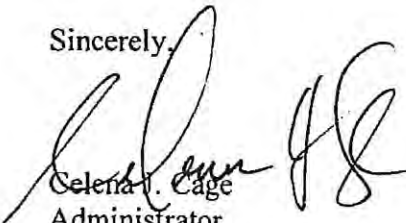
Dear Sir:

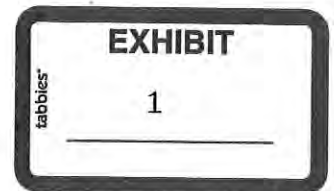
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **BLAST TECH LLC (RESPONDENT)** for the violations described therein.

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 Christopher Clement at (225) 219-3748.

Sincerely,


Selena T. Cage
Administrator
Enforcement Division



CJC/ARL/cgc
Alt ID Nos. 2620-00128 and LAR000085472
Attachment

c: Blast Tech LLC
c/o Brandon Chatham - Manager
1064 Maurice Rd.
Broussard, LA 70518

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

IN THE MATTER OF	*	
	*	
BLAST TECH LLC	*	ENFORCEMENT TRACKING NO.
ST. MARTIN PARISH	*	
ALT ID NOS. 2620-00128 and LAR000085472	*	MM-CN-17-00602
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	195547
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 **BLAST TECH 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 Blast Tech Coating Specialists – Broussard Facility, a sand blasting facility, located at 1064 Maurice Rd., in Broussard, St. Martin Parish, Louisiana. The facility currently operates under Minor Source Air Permit No. 2620-00128-00 issued March 27, 2015. Additionally, the facility has notified the Department as a Small Quantity Generator of hazardous waste and operates under EPA identification number LAR000085472.

II.

On or about October 20, 2016, the Department conducted an inspection of the facility related to a citizen complaint of sand leaving the site during blasting operations. During the inspection the following violations were observed:

- A. The inspector noted that during blasting operations the doors on the blasting shed were left open allowing particulate matter to escape to the atmosphere. Therefore, the item being blasted was not fully enclosed and emissions control equipment was not properly maintained while emissions were being generated. This is a violation of Specific Requirements 10 and 17 of Air Permit No. 2620-00128-00, LAC 33:III.1329.H, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. The inspector noted that during blasting operations blasting screens were not overlapped, allowing particulate matter to escape to the atmosphere. Therefore, the item being blasted was not fully enclosed and the leakage of particulate matter was not prevented. This is a violation of Specific Requirements 10 and 12 of Air Permit No. 2620-00128-00, LAC 33:III.1329.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. The inspector noted that during blasting operations the blast screen contained two (2) rips greater than one (1) foot in length which the facility failed to repair prior to use. This is a violation of Specific Requirements 10 and 14 of Air Permit No. 2620-00128-00, LAC 33:III.1327.C.3, LAC 33:III.1329.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

On or about March 27, 2017, the Department conducted an inspection of the facility related to a citizen complaint of uncontrolled particulate emissions being emitted from the facility's abrasive blasting sand hopper. The complainant provided video depicting blasting media being emitted from two (2) distinct sources on the sand hopper. During the inspection, the following violations were observed:

- A. The inspector noted that the pressure relief pipe on top of the sand hopper was open to the atmosphere. This was a point of particulate emissions in the complainant's video. Failure to take reasonable precautions to prevent particulate emissions from becoming airborne is a violation of Specific

Requirement 28 of Air Permit No. 2620-00128-00, LAC 33:III.1305, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In an email response dated May 2, 2017, the Respondent provided photographs to the inspector demonstrating corrective actions taken to address this issue as of April 14, 2017. Specifically, the Respondent provided a photograph of a hose to a bag filter attached to the pressure relief pipe.

- B. The inspector noted that the flow line on the southwest leg of the sand hopper had a hole in it through to the inside diameter of the pipe near the hard pipe to flexible hose coupler. Failure to take reasonable precautions to prevent particulate emissions from becoming airborne is a violation of Specific Requirement 28 of Air Permit No. 2620-00128-00, LAC 33:III.1305, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In an email response dated May 2, 2017, the Respondent provided photographs to the inspector demonstrating corrective actions taken to address this issue as of April 14, 2017. Specifically, the Respondent provided a photograph of a repair made to the sand flow line.

IV.

On or about May 25, 2017, the Department conducted an inspection of the facility related to a citizen complaint of uncontrolled particulate emissions being emitted from the facility's abrasive blasting operations. The complaint included video and photographs depicting blasting operations without proper containment and gaps in containment screens being employed. During the inspection, the following violations were observed:

- A. The inspector noted, in a photo provided by a complainant on May 24, 2017, that blasting operations were not properly contained and there were gaps in the containment screens. Failure to overlap screen seams to prevent leakage of particulate matter is a violation of Specific Requirement 12 of Air Permit No. 2620-00128-00, LAC 33:III.1329.C.1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In a response dated June 20, 2017, the Respondent states that the Operations Manager, Shop Supervisor, and

Oversized Equipment Building (OEB) Foreman are confirming that doors and curtains are fully and completely closed during blasting operations. Further, the Daily OEB Blast Log has been modified to include a four hour check to ensure all parameters are being met.

- B. The inspector noted that blasting operations were taking place in a small conex box outside the facility's blasting shed with the conex box doors open allowing particulate matter to the atmosphere. Failure to fully enclose blasting operations is a violation of Specific Requirement 10 of Air Permit No. 2620-00128-00, LAC 33:III.1329.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In a response dated June 20, 2017, the Respondent states that the conex box has been removed from blasting service and is being used for general storage only.
- C. The inspector noted that the conex box, being used for blasting operations, was not included on the facility's site map as a blasting area. This is a violation of Specific Requirement 26 of Air Permit No. 2620-00128-00, LAC 33:III.1333.A.3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In a response dated June 20, 2017, the Respondent states that the conex box has been removed from blasting service and is being used for general storage only.
- D. The inspector noted that the Respondent has not implemented a Best Management Practices (BMP) plan as required by Air Permit No. 2620-00128-00. This is a violation of Specific Requirement 11 of Air Permit No. 2620-00128-00, LAC 33:III.1329.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. The inspector noted that a small portable blasting pot was being used in the conex box and was informed that spent blasting media was reused/recycled in this pot along with walnut shell. The facility does not have documentation, as

required by LAC 33:III.1327.A.2, that abrasives contain less than 10 percent of fines that would pass through a No. 80 sieve. This is a violation of Specific Requirement 8 and 9 of Air Permit No. 2620-00128-00, LAC 33:III.1327.A.3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In a response dated June 20, 2017, the Respondent states that the portable blasting pot has been stored and will only be used inside the OEB going forward.

- F. The inspector noted that the facility's blasting log indicated the facility was conducting operations on May 22, 2017, from 2:00 PM to 8:00 PM, the date and time of the complainant's photos. The log entry states the blast screens were closed and no particulates were leaving the facility. The photos show gaps in the screens and particulate leaving the shed. Failure to properly maintain the blasting log is a violation of Specific Requirement 26 of Air Permit No. 2620-00128-00, LAC 33:III.1333.A.7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In a response dated June 20, 2017, the Respondent states that the Daily OEB Blast Log has been modified to include a four hour check to ensure all parameters are being met.

V.

During the June 27, 2016 inspection, the Department observed two (2) full fifty-five (55) gallon drums, one (1) partially full fifty-five (55) gallon drum and approximately seven (7) five (5) gallon buckets located in the less than one hundred and eighty (180) day hazardous waste storage area. Mr. Clinton Sepulvado, a representative of the Respondent, stated the drums and buckets contain hazardous paint related waste (D001, D007, D008, D035, F003, and F005). Mr. Sepulvado also stated the buckets were transferred from the facility's paint booths to the hazardous waste storage area where the contents are allowed to dry. Once dry, the contents of the buckets are placed in fifty-five (55) gallon drums.

VI.

Located in the blasting shed is a satellite accumulation area (SA 1). During the October 20, 2016 inspection, the Department observed approximately three (3) five (5) gallon buckets of hazardous paint related waste and washout (D001, D007, D008, D035, F003, and F005) in SA 1. The washout is generated by running methyl ethyl ketone through the facility's paint guns for the purpose of cleaning them. Mr. Brandon Chatham, the vice president of Blast Tech LLC, stated at the end of each day the

buckets in SA 1 containing hazardous paint related waste and washout are brought to the less than one hundred and eighty (180) day hazardous waste storage area where the contents of the buckets are allowed to dry. The dried paint waste is placed into fifty-five (55) gallon drums.

VII.

The facility contains three (3) paint booths. Located within each paint booth is a satellite accumulation area (SA 2, SA 3, and SA 4). Each of these satellite accumulation areas contain one (1) bucket used for paint-related waste and washout (D001, D007, D008, D035, F003, and F005). This was observed during the October 20, 2016 inspection.

VIII.

Also observed during the October 20, 2016 inspection, in the less than one hundred and eighty (180) day hazardous waste storage area, were two (2) full fifty-five (55) gallon drums labeled "paint waste." Both drums had an open bung hole and both drums contained hazardous waste codes D001, D007, D008, D035, F003, and F005.

IX.

Near the facility's blasting shed, the Department observed a roll-off box containing cans of paint with both liquid and solid material in them. The Department was unable to determine if these cans contained paint mixed with thinner and/or solvents, or the amount of material in the cans.

X.

On or about June 27, 2016, October 20, 2016, and March 27, 2017 the Department conducted an inspection at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, during the June 27, 2016 inspection, the Department observed numerous buckets and drums, as described in Findings of Fact Paragraphs V, which were not labeled with an accumulation start date. During the October 20, 2016 inspection, the Department observed two (2) full fifty-five (55) gallon drums, as described in Finding of Facts Paragraph VIII, which were also not labeled with an accumulation start date.

- B. The Respondent failed to label containers of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, during the June 27, 2016 inspection, the Department observed two (2) full fifty-five (55) gallon drums, as described in Findings of Fact Paragraphs V, which were not labeled with an accumulation start date. During the October 20, 2016 inspection, the Department observed (2) full fifty-five gallon drums, as described in Finding of Facts Paragraph VIII, which was also not labeled with an accumulation start date.
- C. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4 and LAC 33:V.1109.E.7. Specifically, during the June 27, 2016 inspection, the Department observed seven (7) five (5) gallon buckets, as described in Finding of Facts Paragraph V, which were not closed. During the October 20, 2016 inspection, the Department observed numerous buckets and two (2) fifty-five (55) gallon drums, as described in Finding of Facts Paragraphs VI, VII, and VIII, none of which were closed. In a response received by the Department on or about October 28, 2016, the Respondent provided evidence that the two (2) fifty-five (55) gallon drums with open bung holes, as described in Finding of Facts Paragraph V, are now properly sealed with caps.
- D. The Respondent treated hazardous waste without receiving an interim status or a standard permit, in violation of LAC 33:V.303.B. Specifically, the Respondent employed a process designed to change the physical form and/or chemical composition of hazardous waste to make it amenable for storage and reduce its volume. During the June 27, 2016 and October 20, 2016 inspections, the Department observed numerous buckets, as described in Finding of Facts Paragraph V, VI, and VII which were left open and their contents allowed to dry. A representative of the Respondent stated the

buckets contain paint related hazardous waste that carries the following hazardous waste codes: D001, D007, D008, D035, F003, and F005.

- E. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, on October 2, 2015, the Department received an amended HW-1 indicating the following hazardous waste codes: D001, D035, F003, and F005. However, hazardous waste manifest and hazardous waste profiles reviewed by the Department during the June 27, 2016 inspection included the following hazardous waste codes: D001, D007, D008, D035, F003, and F005. On or about October 28, 2016, the Respondent submitted an HW-1 to the Department which did not reflect complete and accurate information.
- F. The Respondent failed to determine if solid wastes generated at the facility were hazardous wastes, as specified in LAC 33:V.1103. Specifically, the Respondent failed to determine if waste dust from blast media filters is a hazard. Laboratory results dated April 14, 2017 show the waste dust from blast media is not a hazard; therefore, this violation has been addressed.

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 Hazardous Waste and Air Quality Regulations and Air Permit No. 2620-00128-00.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a BMP plan as referenced in Paragraph IV.D of the "Findings of Fact" portion of this **COMPLIANCE ORDER**.

III.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all hazardous waste containers with an accumulation start date, in accordance with LAC 33:V.1109.E.1.c.

IV.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all containers of hazardous waste with the words "Hazardous Waste," in accordance with LAC 33:V.1109.E.1.d.

V.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers used to store hazardous waste except when necessary to add or remove waste in accordance with LAC 33:V.2107.A.

VI.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the treatment of hazardous waste by allowing waste to air dry and institute procedures to ensure all containers holding hazardous waste are always kept closed, except when it is necessary to add or remove waste.

VII.

To submit to the Office of Environmental Services, within seven (7) days after receipt of this **COMPLIANCE ORDER**, an updated and accurate HW-1 form. The HW-1 form shall include hazardous waste codes for all hazardous wastes generated, in accordance with LAC 33:V.1105.B.

VIII.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Christopher Clement
Re: Enforcement Tracking No. MM-CN-17-00602
Agency Interest No. 195547

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-17-00602
Agency Interest No. 195547

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 Christopher Clement at (225) 219-3748 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross

revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 13th day of October, 2017.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Christopher Clement

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	MM-CN-17-00602	Contact Name	Christopher Clement
Agency Interest (AI) No.	195547	Contact Phone No.	(225) 219-3748
Alternate ID No.	2620-00128 and LAR000085472		
Respondent:	BLAST TECH LLC	Facility Name:	Blast Tech Coating Specialists – Broussard Facility
	c/o Joseph C. Giglio, III	Physical Location:	1064 Maurice Rd.
	Agent for Service of Process	City, State, Zip:	Broussard, LA 70518
	900 East Saint Mary Blvd. Ste. 200 Lafayette, LA 70503	Parish:	St. Martin

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VIII of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph II 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.	N/A	N/A
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.	N/A	N/A
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)

<input type="checkbox"/>	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.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-17-00602), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-17-00602), 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"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-17-00602) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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:		
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Christopher Clement</p>		



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 1, 2018

CERTIFIED MAIL (7014 0510 0002 3595 3878)
RETURN RECEIPT REQUESTED

BLAST TECH LLC
c/o Joseph C. Giglio, III
Agent for Service of Process
900 East Saint Mary Blvd. Ste. 200
Lafayette, LA 70503

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00022
AGENCY INTEREST NO. 195547**

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 **BLAST TECH 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 Christopher Clement at (225) 219-3748 or Christopher.Clement@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/CGC/cgc
Alt ID No. 2620-00128
Attachment



c: Blast Tech LLC
c/o Andre Fontova
1064 Maurice Rd.
Broussard, LA 70518

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

IN THE MATTER OF

**BLAST TECH LLC
ST. MARTIN PARISH
ALT ID NO. 2620-00128**

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

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ENFORCEMENT TRACKING NO.

AE-CN-18-00022

AGENCY INTEREST NO.

195547

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **BLAST TECH 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 Blast Tech Coating Specialists – Broussard Facility, a sand blasting facility, located at 1064 Maurice Rd., in Broussard, St. Martin Parish, Louisiana. The facility currently operates under Minor Source Air Permit No. 2620-00128-00 issued March 27, 2015. On or about October 13, 2017, the Respondent was issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) MM-CN-17-00602 for Air Quality and Hazardous Waste violations.

II.

On or about November 2, 2017, the Department conducted an inspection of the facility in response to a citizen's complaint (T180849) of uncontrolled particulate emissions being emitted from the facility's abrasive blasting operations. The complainant provided photographs from October 23, 2017. During the inspection the following violations were observed:

- A. The Respondent failed to overlap seams on the containment screens and fully enclose abrasive blasting operations. Specifically, the inspector observed gaps in the top right corner and bottom middle of the closed containment screens while abrasive blasting operations were being conducted in the Oversized Equipment Building (OEB), allowing particulates to escape containment. This is a violation of Specific Requirement Nos. 10 and 12 of Air Permit No. 2620-00128-00, LAC 33:III.1329.A.1, LAC 33:III.1329.C.1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. The Respondent did not repair tarps prior to use if any single tear greater than one (1) foot in length is present or if tears greater than six (6) inches in length each are present. Specifically, the inspector observed several tears in the top left corner of the OEB containment screen that were each greater than one (1) foot in length. This is a violation of Specific Requirement Nos. 10 and 14 of Air Permit No. 2620-00128-00, LAC 33:III.1329.C.3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- C. The Respondent failed to maintain the abrasive blasting log with accurate observations. Specifically, the abrasive blasting log stated that the Respondent was conducting abrasive blasting operations on October 23, 2017, and November 2, 2017 and that the containment screens were closed and no particulate matter was leaving the facility. However, photographs provided by the complainant from October 23, 2017, and photographs by the inspector from November 2, 2017, show that the containment screens contained gaps and were therefore not fully closed allowing particulate matter to leave the OEB. Failure to accurately maintain the abrasive blasting log is a violation of Specific Requirement No. 26 of Air Permit No. 2620-00128-00, LAC 33:III.1333.A.7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- D. The Respondent failed to implement their Best Management Practices (BMP) plan. In a response to Enforcement Tracking No. MM-CN-17-00602 dated

October 27, 2017, the Respondent submitted their BMP plan. Specifically, the Respondent's BMP states that employees will ensure that blast curtains in the OEB are completely closed and connected so that there are no gaps in the curtain at the top, bottom, sides or in between. Additionally, the BMP states that management will ensure that all openings remain closed to reduce blasting emissions. This is a violation of Specific Requirement No. 11 of Air Permit No. 2620-00128-00, LAC 33:III.1329.A, LAC 33:III.501.C.4, and La. R.S. 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 Act and Air Quality Regulations to include, but not limited to Air Permit No. 2620-00128-00, LAC 33:III.1329, and LAC 33:III.1333.

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 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: Christopher Clement
Re: Enforcement Tracking No. AE-CN-18-00022
Agency Interest No. 195547

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-18-00022
Agency Interest No. 195547

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 Christopher Clement at (225) 219-3748 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you

utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

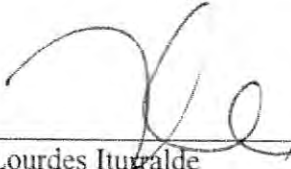
IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 18th day of May, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Christopher Clement

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-18-00022	Contact Name	Christopher Clement
Agency Interest (AI) No.	195547	Contact Phone No.	(225) 219-3748
Alternate ID No.	2620-00128		
Respondent:	BLAST TECH LLC	Facility Name:	Blast Tech Coating Specialists – Broussard Facility
	c/o Joseph C. Giglio, III	Physical Location:	1064 Maurice Rd.
	Agent for Service of Process		
	900 East Saint Mary Blvd. Ste. 200	City, State, Zip:	Broussard, LA 70518
	Lafayette, LA 70503	Parish:	St. Martin

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
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) ? of the "Order" portion of the COMPLIANCE ORDER.	N/A	N/A
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.	N/A	N/A
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.	N/A	N/A
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)

<input type="checkbox"/>	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.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00022), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00022), 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"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00022) 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: Christopher Clement

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	AE-CN-18-00403	Certified Mail No.	7017 0530 0000 5978 5007	
Agency Interest (AI) No.	195547	Contact Name	Christopher Clement	
Alternate ID No.	2620-00128	Contact Phone No.	(225) 219-3748	
Respondent:	BLAST TECH LLC	Facility Name:	Blast Tech LLC	
	c/o Joseph C. Giglio, III	Physical Location:	1064 Maurice Rd.	
	Agent for Service of Process	City, State, Zip:	Broussard, LA 70518	
	900 East Saint Mary Blvd. Ste. 200 Lafayette, LA 70503	Parish:	St. Martin	

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 Blast Tech LLC, a sand blasting facility, located at 1064 Maurice Rd., in Broussard, St. Martin Parish, Louisiana. The facility currently operates under Minor Source Air Permit No. 2620-00128-00 issued March 27, 2015. On or about October 13, 2017, the Department issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) MM-CN-17-00602 to the Respondent for Air Quality and Hazardous Waste violations. On or about May 1, 2018, the Department issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) AE-CN-18-00022 to the Respondent for Air Quality violations.
	Date of Violation	Description of Violation
II.	Inspection(s) February 15, 2018 February 21, 2018 April 19, 2018	The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Specifically, on or about February 15, 2018, on arrival at the facility, the inspector observed particulate emissions emanating from the yard of the facility. During the facility tour particulate emissions were observed in the facility's yard, which is a combination of limestone, soil, and spent blasting media. According to the Respondent, they do not have a control plan for particulate emissions from dust. Therefore, all reasonable precautions to prevent particulate matter from becoming airborne have not been taken. This is a violation of CONOPP MM-CN-17-00602, Specific Requirement No. 28 of Minor Source Air Permit No. 2620-00128-00, LAC 33:III.1305.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). A review of the facility's abrasive blasting log revealed that the facility had conducted abrasive blasting on February 13, 2018, the date of the complainant's photos and video. On February 21, 2018, the inspector observed that during blasting operations the screens were closed and not compromised in any way. Additionally, the items being blasted were placed 20 to 25 feet away from the screens to help alleviate emissions through the screens. The installed screens exceeded the greater than 80 percent shade factor requirement in Specific Requirement No. 13 of Minor Source Air Permit No. 2620-00128-00. The inspector noted that the observed emissions were what could be expected from screens with a shade factor of 85-90 percent.

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, Minor Source Air Permit No. 2620-00128-00, LAC 33:III.1305, and 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.

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 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 Christopher Clement at (225) 219-3748 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:I.Subpart1.Chapter7. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached " CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE " form. The Respondent must include a justification of the offer. DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
V.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division:	Hearing Requests:
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Christopher Clement	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-18-00403 Agency Interest No. 195547
Permit Division (if necessary):	Physical Address (if hand delivered):
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air 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	
<ul style="list-style-type: none"> To appeal the COMPLIANCE ORDER portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this 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 Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. 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 Christopher Clement at (225) 219-3748 or Christopher.Clement@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: _____

12/1/18

c: Blast Tech LLC
c/o Andre Fontova
1064 Maurice Rd.
Broussard, LA 70518

Attachment(s)

- Request to Close

OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-18-00403	Contact Name	Christopher Clement
Agency Interest (AI) No.	195547	Contact Phone No.	(225) 219-3748
Alternate ID No.	2620-00128		
Respondent:	BLAST TECH LLC	Facility Name:	Blast Tech LLC
	c/o Joseph C. Giglio, III	Physical Location:	1064 Maurice Rd.
	Agent for Service of Process		
	900 East Saint Mary Blvd. Ste. 200	City, State, Zip:	Broussard, LA 70518
	Lafayette, LA 70503	Parish:	St. Martin

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
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) ? of the "Order" portion of the COMPLIANCE ORDER.	N/A	
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.	N/A	
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.	N/A	
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)

<input type="checkbox"/>	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.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00403), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00403), 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"> • 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 (AE-CN-18-00403) 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: Christopher Clement