

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

C & C MARINE AND REPAIR, L.L.C.

AI # 90671

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

\* Settlement Tracking No.  
\* SA-AE-22-0021  
\*  
\* Enforcement Tracking Nos.  
\* AE-CN-08-0117  
\* AE-CN-13-01069  
\* AE-CN-19-00619  
\* AE-CN-19-00619A  
\*  
\*  
\* Docket No. 2015-11744-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between C & C Marine and Repair, L.L.C. (“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 barge building and repair facility located in Belle Chasse, Plaquemines Parish, Louisiana (“the Facility”).

II

On December 30, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0117 (Exhibit 1).

On July 6, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-13-01069 (Exhibit 2).

On June 14, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00619 (Exhibit 3).

On September 10, 2021, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00619A (Exhibit 4).

III

In response to Consolidated Compliance Order & Notice of Potential Penalty (AE-CN-13-01069), Respondent made a timely request for a hearing.

IV

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

V

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 ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00), of which Four Thousand Two Hundred Ninety-One and 07/100 Dollars (\$4,291.07) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, Amended 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.

## VII

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.

## VIII

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.

## IX

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.

## X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Plaquemines Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this

Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

#### XI

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).

#### XII

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

#### XIII

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.

C & C MARINE AND REPAIR, L.L.C.

BY: [Signature]  
(Signature)

Anthony Cibulich  
(Printed)

TITLE: Owner/Manager

THUS DONE AND SIGNED in duplicate original before me this 2<sup>nd</sup> day of September, 20 22, at Belle Chasse, LA.

[Signature]  
NOTARY PUBLIC (ID # 14327)

**MARK A. PIVACH**  
NOTARY PUBLIC, PARISH OF PLAQUEMINES, STATE OF LA.  
MY COMMISSION IS ISSUED FOR LIFE  
BAR NO. 14327


(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 14<sup>th</sup> day of November, 20 22, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92503)

 AMBER G. LITCHFIELD  
Notary Public  
State of Louisiana  
Notary ID # 92503  
East Baton Rouge Parish  
(stamped or printed)

Approved: [Signature]  
Celena J. Cage, Assistant Secretary



**BOBBY JINDAL**  
GOVERNOR

**HAROLD LEGGETT, PH.D.**  
SECRETARY

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

December 30, 2009

CERTIFIED MAIL (7003 2260 0000 5825 1478)  
RETURN RECEIPT REQUESTED

**C & C MARINE AND REPAIR, L.L.C.**  
c/o Anthony Cibilich  
Agent of Service  
701 Engineers Road  
Belle Chasse, Louisiana 70037

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-08-0117  
AGENCY INTEREST NO. 90671**

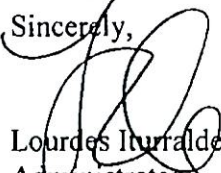
Dear Sir:

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 **C & C MARINE AND REPAIR, L.L.C. (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 Chris Kotrlík at (225) 219-3752.

Sincerely,

  
Lourdes Iturralde  
Administrator  
Enforcement Division

LI/CCK/cck  
Alt ID No. 2240-00390  
Attachment



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

C & C MARINE AND REPAIR, L.L.C.  
PLAQUEMINES PARISH  
ALT ID NO. 2240-00390

\*  
\*  
\* ENFORCEMENT TRACKING NO.  
\*  
\* AE-CN-08-0117  
\*  
\* AGENCY INTEREST NO.  
\*  
\*  
\* 90671  
\*  
\*

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT,  
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 **C & C MARINE AND REPAIR, L.L.C. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates a barge building and repair facility located at 701 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. A Small Source Exemption was approved for this facility on or about May 29, 2001. On or about August 1, 2008, the Respondent submitted a Part 70 Permit application for this facility.

II.

On or about June 28, 2001, an inspection of the Respondent's facility was conducted in response to a citizen's complaint which alleged the facility was sandblasting without proper containment. While the Department's investigation is not yet complete, the following violation was noted during the course of the investigation:

During the course of the inspection, it was noted that adequate containment methods were not being used during sandblasting of a dry-docked marine vessel. Specifically, particulate matter was observed to be leaving the Respondent's property. According to a representative of the Respondent, tarps were not used while sandblasting the bottom of the vessel. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

### III.

On or about July 2, 2001, representatives of the Department held a conference call with Mr. Anthony Cibilich, the owner of C & C Marine & Repair, L.L.C. During the course of the conference call, the Department's representatives informed Mr. Cibilich that the work being performed at C & C Marine & Repair, L.L.C. was not covered under the facility's Small Source Exemption issued May 29, 2001. Mr. Cibilich stated that he should not have to get a Small Source Permit because he does not normally do the type of work that was occurring. Mr. Cibilich also stated that he had no more jobs like this to do but he could get another in the future. According to a letter from Mr. Cibilich dated August 29, 2001, the Respondent purchased 225 tons of blasting sand from the start of business in 1997 to April 2001. However, the Respondent purchased 346 tons of blasting sand between April 2001 and June 2001. The sandblasting particulate emissions in the Respondent's Small Source Exemption were based on a usage of 60 tons of blasting sand per year.

### IV.

On or about April 21, 2008, and January 13, 2009, an inspection and file review, respectively, of the Respondent's facility was conducted in response to citizens' complaints which alleged the facility was painting without proper containment. While the Department's investigation is not yet complete, the following violation was noted during the course of the investigation:

According to email correspondence dated July 1, 2008, the Respondent's facility used approximately 15,000 gallons of paint from June 2007 to June 2008. The paint emissions in the Respondent's Small Source Exemption for this facility were based on 500 gallons of Epoxy per year. The Respondent's failure to operate in accordance with its Small Source Exemption is a violation of LAC 33:III.501.B.4.b, LAC 33:III.501.C.1, LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). On or about August 1, 2008, the Respondent submitted a Part 70 Permit application for this facility.



V.

Under cover letter dated July 29, 2008, the Respondent submitted an Air Permit Application to, "...change the status of the facility from a Small Source Exemption to a Major Source and add several new sources to the facility." In this application, the Respondent requested authorization to emit approximately 26 tons of hazardous air pollutants (HAPs) as defined in 42 U.S.C. 7412, annually. These HAPs included, but were not limited to, xylene (11.17 tons), phenol, ethylbenzene, methyl ethyl ketone, and glycol ethers. Each of the pollutants listed above is also a toxic air pollutant (TAP) as defined in LAC 33:III.5103.

VI.

40 CFR 63.782 defines *Major Source* [of HAPs] as, "...any source that emits or has the potential to emit, in the aggregate, 9.1 megagrams per year (10 tons per year) or more of any HAP or 22.7 megagrams per year (25 tons per year) or more of any combination of HAP." LAC 33:III.5103 defines *Major Source* [of TAPs] as, "any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, or has the potential to emit, in the aggregate, 10 tons per year or more of any toxic air pollutant listed in LAC 33:III.5112, Table 51.1 or 25 tons per year or more of any combination of toxic air pollutants listed in LAC 33:III.5112, Table 51.1.

VII.

By letter dated November 20, 2008, the Department notified the Respondent that additional information was necessary to evaluate its permit application for this facility in accordance with LAC 33:III.519.B.1. This letter also required the requested information to be submitted no later than December 23, 2008. The information requested included, among other things, a clear and concise description of the operations and activities at the facility; reconciliation of multiple emission points' annual emission rates with the corresponding average hourly emission rates and the annual operating hours; and submittal of Material Safety Data Sheets (MSDS) on which the emission calculations were based.

VIII.

By letter dated December 21, 2008, the Respondent submitted its response to the information request described in Paragraph VII above. In its response, the Respondent submitted revised Emissions Inventory Questionnaires (EIQ) for Air Pollutants for its Painting Operation

(Emission Point 1-08), Sand Blasting Area A (Emission Point 3-08), Sand Blasting Area B (Emission Point 4-08), and Welding & Cutting Operation (Emission Point 5-08). However, the response did not include the requested MSDS on which the emission calculations were based. The failure to timely submit all information requested by the Department is a violation of LAC 33:III.519.B.2 and La. R.S. 30:2057(A)(2). Additionally, the Respondent failed to include certification by a responsible official of truth, accuracy, and completeness. The failure to include this certification is a violation of LAC 33:III.517.B.1 and La. R.S. 30:2057(A)(2).

IX.

On or about January 13, 2009, the Department sent an email to a representative of the Respondent requesting a report that detailed the 15,000 gallons of paints, solvents, coatings, and thinners reported in the July 1, 2008 email by type of paint, solvent, coating, and thinner. Additionally, the Department requested a MSDS for each specific type of paint, solvent, coating, or thinner that was used at this facility between June 2007 and June 2008.

X.

On or about January 20, 2009, a representative of the Respondent hand delivered the report and corresponding MSDS discussed in Paragraph IX above. According to this detailed report, the Respondent used 26,520 gallons of paint between June 2007 through June 2008.

XI.

On or about August 6, 2009, the Department calculated the emissions based on the information submitted by the Respondent. According to these calculations, the Respondent emitted approximately 31.50 tons of TAPs and HAPs during the period encompassing June 2007 through June 2008 including, but not limited to, approximately 27,430 pounds of xylene, 7660 pounds of toluene, 7050 pounds of ethylbenzene, 4200 pounds of zinc, 13 pounds of benzene, 490 pounds of methanol, 700 pounds of methyl isobutyl ketone, and 15,450 pounds of butanol. The Respondent emitted in excess of 10 tons per year of a single HAP/TAP (xylene) and 25 tons per year of a combination of HAPs/TAPs. Per LAC 33:III.5103 and 40 CFR 63.782, this facility is a Major Source of TAPs and a Major Source of HAPs.

XII.

40 CFR 63.782 defines *Ship* as, "any marine or fresh-water vessel used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys)." According to 40 CFR 63.781(a), the provisions of the National

Emission Standards for Shipbuilding and Ship Repair (40 CFR 63, Subpart II), "apply to shipbuilding and ship repair operations at any facility that is a major source."

XIII.

On or about August 21, 2009, a file review was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the review:

- A. The Respondent constructed and/or modified its facility without first obtaining written authorization from the Department in accordance with Subchapter A of LAC 33:III.Chapter 51. This is a violation of LAC 33:III.5105.A.1 and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to keep records as required by Subchapter A of LAC 33:III.Chapter 51. This is a violation of LAC 33:III.5105.A.4, LAC 33:III.5113.B.6, and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to submit a completed annual emissions report to the Department that identified the quantity of emissions in the previous calendar year of any TAP emitted for calendar years 2007 and 2008. This is a violation of LAC 33:III.5107.A and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to submit an original Annual Emissions Statement and a duplicate for all criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been issued and for NAAQS precursor pollutants for calendar years 2007 and 2008. This is a violation of LAC 33:III.919.B.1 and La. R.S. 30:2057(A)(2).
- E. The Respondent emitted xylene at a rate greater than the minimum emission rate (MER) listed in LAC 33:III.5112, Table 51.1 without controlling emissions to a degree that constitutes MACT. This is a violation of LAC 33:III.5109.A.1, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- F. The Respondent caused and allowed the application of coatings to ships with an as-applied volatile organic compound (VOC) content exceeding the applicable limit given in LAC 33:III.2123.C. This is a violation of LAC 33:III.2123.C, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- G. The Respondent caused and allowed the application of coatings to ships with an as-applied volatile organic hazardous air pollutant (VOHAP) content exceeding the applicable limit given in Table 2 of 40 CFR 63 Subpart II. This is a violation of 40 CFR 63.783(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.501.C.5; La. R.S. 30:2057(A)(1); and 30:2057(A)(2).
- H. The Respondent failed, for each batch of coating received, (1) to determine the coating category and the applicable VOHAP limit as specified in 40 CFR 63.783(a) and (2) to certify the as-supplied volatile organic compounds (VOC) content of the batch of coating. This is a

violation of 40 CFR 63.785(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.501.C.5; and La. R.S. 30:2057(A)(2).

- I. The Respondent failed to notify the Department in writing, within 180 calendar days after the source became subject to the relevant standard, that its facility was subject to 40 CFR 63 Subpart II. This is a violation of 40 CFR 63.787(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.501.C.5; and La. R.S. 30:2057(A)(2).
- J. The Respondent failed to prepare a written implementation plan that addresses each of the subject areas specified in 40 CFR 63.787(b)(3). This is a violation of 40 CFR 63.787(b)(1)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.501.C.5; and La. R.S. 30:2057(A)(2).
- K. The Respondent failed to submit a report to the Department before the 60th day following completion of each 6-month period after the compliance date specified in 40 CFR 63.784 that included the information specified in 40 CFR 63.788(c). This is a violation of 40 CFR 63.788(c), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.501.C.5; and La. R.S. 30:2057(A)(2).

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

#### I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act and all applicable Air Quality Regulations including, but not limited to, 40 CFR 63 Subpart II. In the event the Respondent believes that compliance can not be achieved in the above time frame, the Respondent shall submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan that shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

#### II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure coating is not applied to a ship with an as-applied VOHAP content exceeding the applicable limit given in Table 2 of 40 CFR 63 Subpart II.

III.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure coating is not applied with an as-applied VOC content exceeding the applicable limit given in LAC 33:III.2123.C.

IV.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure that all handling and transfer of VOHAP-containing materials to and from containers, vats, drums, and piping systems is conducted in a manner that minimizes spills.

V.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure that all containers, tanks, vats, drums, and piping systems are free of cracks, holes, and other defects and remain closed unless materials are being added to or removed from them.

VI.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure that material data sheets which document the volatile organic compound content, composition, solids content, solvent density, and other relevant information regarding each coating and/or solvent used are maintained and available for inspection for a minimum of two (2) years.

VII.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure compliance with the recordkeeping requirements set forth in 40 CFR 63.788(b). The Respondent shall compile records on a monthly basis and maintain those records for a minimum of five (5) years. At a minimum, these records shall include:

1. All documentation supporting initial notification;
2. A copy of the affected source's approved implementation plan;
3. The volume of each low-usage-exempt coating applied;
4. Identification of the coatings used, their appropriate coating categories, and the applicable VOHAP limit;
5. Certification of the as-supplied VOC content of each batch of coating;

6. A determination of whether containers meet the standards as described in 40 CFR 63.783(b)(2);
7. The results of any Method 24 of Appendix A to 40 CFR Part 60 or approved VOHAP measurement test conducted on individual containers of coating, as applied;
8. For *coatings to which thinning solvent will not be added* [per 40 CFR 63.785(c)(1)]:
  - a. Certification of the as-applied VOC content of each batch of coating;
  - b. The volume of each coating applied.
9. For *coatings to which thinning solvent will be added – coating-by-coating compliance* [per 40 CFR 63.785(c)(2)]:
  - a. The density and mass fraction of water and exempt compounds of each thinner and the volume fraction of solids (nonvolatiles) in each batch, including any calculations;
  - b. The maximum allowable thinning ration (or ratios, if the facility complies with the cold-weather limits in addition to the other limits specified in Table 2 of 40 CFR 63 Subpart II) for each batch of coating, including calculations;
  - c. If the facility chooses to comply with the cold-weather limits, the dates and times during which the ambient temperature at the affected source was below 40°F at the time the coating was applied and the volume used of each batch of the coating, as supplied, during these dates;
  - d. The volume used of each batch of the coating, as supplied;
  - e. The total allowable volume of thinner for each coating, including calculations;
  - f. The actual volume of thinner used for each coating.
10. For *coatings to which the same thinning solvent will be added – group compliance* [per 40 CFR 63.785(c)(3)]:
  - a. The density and mass fraction of water and exempt compounds of each thinner and the volume fraction of solids in each batch, including any calculations;
  - b. The maximum allowable thinning ration (or ratios, if the facility complies with the cold-weather limits in addition to the other limits specified in Table 2 of 40 CFR 63 Subpart II) for each batch of coating, including calculations;

- c. If the facility chooses to comply with the cold-weather limits, the dates and times during which the ambient temperature at the affected source was below 40°F at the time the coating was applied and the volume used of each batch in the group, as supplied, during these dates;
- d. Identification of each group of coatings and their designated thinners;
- e. The volume used of each batch of coating in the group, as supplied;
- f. The total allowable volume of thinner for the group, including calculations;
- g. The actual volume of thinner used for the group.

#### VIII.

To, within fifteen (15) days after receipt of this **COMPLIANCE ORDER**, notify the Permits Division in writing that the source is subject to 40 CFR 63 Subpart II. A copy of this notification shall be included with the report required by Paragraph XV of this **COMPLIANCE ORDER**. This notification shall, in accordance with 40 CFR 63.9(b)(2), provide the following information:

1. The name and address of the owner or operator;
2. The address (i.e., physical location) of the affected source;
3. An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;
4. A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and
5. A statement of whether the affected source is a major source or an area source.

#### IX.

To, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, prepare a written implementation plan that addresses each of the subject areas specified below. A copy of this plan shall be submitted with the report required by Paragraph XV of this **COMPLIANCE ORDER**:

1. *Coating compliance procedures.* The implementation plan shall include the compliance procedure(s) under 40 CFR 63.785(c) that the source intends to use.

2. *Recordkeeping procedures.* The implementation plan shall include the procedures for maintaining the records required under 40 CFR 63.788, including the procedures for gathering the necessary data and making the necessary calculations.
3. *Transfer, handling, and storage procedures.* The implementation plan shall include the procedures for ensuring compliance with 40 CFR 63.783(b).

X.

To submit to the Permits Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, an inventory of the potential to emit (as defined in LAC 33:III.502) of each emission source at the facility. This inventory shall include the potential annual emissions for all criteria pollutants and their precursors including, but not limited to, VOC, nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), lead (Pb), particulate matter of less than 10 microns (PM<sub>10</sub>), particulate matter of less than 2.5 microns (PM<sub>2.5</sub>), and ammonia. Additionally, the potential annual emissions of all HAPs and TAPs shall be included with this inventory and speciated by pollutant. This special inventory is ordered under the authority of LAC 33:III.919.B.4. The Respondent shall also submit a copy of this inventory to the Enforcement Division.

XI.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, an Annual Emissions Statement (AES) and a duplicate for all criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been issued and for NAAQS precursor pollutants for calendar years 2007 and 2008. Each AES shall consist of an inventory of actual emissions of VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, Pb, PM<sub>10</sub>, PM<sub>2.5</sub>, and ammonia. Each AES shall meet all minimum data requirements as specified in LAC 33:III.919.B.5. Actual emissions shall be reported for all sources of emissions at the facility, including fugitive emissions, flash gas emissions, insignificant sources (as defined in LAC 33:III.501.B.5, Insignificant Activities List, A. Based on Size or Emission Rate), and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this paragraph, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with LAC 33:III.919.C, for each calendar year. The Respondent shall provide detailed emissions calculations to support the emissions reported for all sources. The calculations should be sufficiently detailed so that there is no uncertainty regarding the origin of



the numbers used in the calculation or the origin of the result of the calculations. If an equation is used from any scientific literature, the origin of the formula should be cited and a copy of the page on which the formula appears and is explained should be provided. For each formula used, at least one example calculation should be shown in which the numbers used are inserted into the formula and the result of the calculation is shown. If the formula uses any standard coefficients, the origin of the coefficients should be cited in the same manner as the relevant formula. All of the variables used should be clearly labeled. All conversion factors should be labeled with the proper units. If the method by which the emissions were calculated involves the use of more than one formula, then all of the formulae that are necessary to arrive at a given emission estimate should be shown in a step-by-step format. Additionally, the Respondent shall submit its emissions inventory data in accordance with LAC 33:III.919 for calendar years 2007 and 2008 through the Emissions Reporting & Inventory Center (ERIC) within sixty (60) days of ERIC becoming available for this activity. The Respondent is responsible for checking the ERIC website to determine when it is available for submitting 2007 and 2008 emissions inventory data.

#### XII.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, completed annual emissions reports for calendar years 2007 and 2008 that identifies the quantity of emissions in 2007 and 2008, respectively, for any TAP emitted. These reports shall each include a Certification Statement in accordance with LAC 33:III.5107.A.2. The Respondent shall provide detailed emissions calculations to support the emissions reported for all sources as specified in Paragraph XI above. Additionally, the Respondent shall submit its TAP emissions inventory data in accordance with LAC 33:III.5107 for calendar years 2007 and 2008 through ERIC within sixty (60) days of ERIC becoming available for this activity. The Respondent is responsible for checking the ERIC website to determine when it is available for submitting 2007 and 2008 TAP emissions inventory data.

#### XIII.

To submit to the Permits Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a revised permit application that accurately reflects the current operations of this facility. This application shall contain all information required by LAC 33:III.517 including, but not limited to, the citation and description of all applicable Louisiana and federal air quality requirements and standards (e.g., 40 CFR 63 Subpart II).

## XIV.

To submit a report to the Enforcement Division by the fifteenth day following the end of each calendar month commencing with the effective date of this **COMPLIANCE ORDER** and continuing until an air permit is issued by the Department for this facility unless otherwise notified in writing by the Department. This report shall include the following information for the preceding calendar month:

1. The volume of each low-usage-exempt coating applied;
2. Identification of the coatings used, their appropriate coating categories, and the applicable VOHAP limit;
3. A determination of whether containers meet the standards as described in 40 CFR 63.783(b)(2);
4. The results of any Method 24 of Appendix A to 40 CFR Part 60 or approved VOHAP measurement test conducted on individual containers of coating, as applied;
5. For *coatings to which thinning solvent will not be added* [per 40 CFR 63.785(c)(1)], the volume of each coating applied.
6. For *coatings to which thinning solvent will be added – coating-by-coating compliance* [per 40 CFR 63.785(c)(2)]:
  - a. The maximum allowable thinning ratio (or ratios, if the facility complies with the cold-weather limits in addition to the other limits specified in Table 2 of 40 CFR 63 Subpart II) for each batch of coating, including calculations;
  - b. If the facility chooses to comply with the cold-weather limits, the dates and times during which the ambient temperature at the affected source was below 40°F at the time the coating was applied and the volume used of each batch of the coating, as supplied, during these dates;
  - c. The volume used of each batch of the coating, as supplied;
  - d. The total allowable volume of thinner for each coating, including calculations;
  - e. The actual volume of thinner used for each coating.
7. For *coatings to which the same thinning solvent will be added – group compliance* [per 40 CFR 63.785(c)(3)]:

- a. The maximum allowable thinning ratio (or ratios, if the facility complies with the cold-weather limits in addition to the other limits specified in Table 2 of 40 CFR 63 Subpart II) for each batch of coating, including calculations;
- b. If the facility chooses to comply with the cold-weather limits, the dates and times during which the ambient temperature at the affected source was below 40°F at the time the coating was applied and the volume used of each batch in the group, as supplied, during these dates;
- c. Identification of each group of coatings and their designated thinners;
- d. The volume used of each batch of coating in the group, as supplied;
- e. The total allowable volume of thinner for the group, including calculations;
- f. The actual volume of thinner used for the group.

XV.

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  
**Attention: Chris Kotrlik**  
**Enforcement Tracking No. AE-CN-08-0117**  
**Agency Interest No. 90671**

**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-08-0117**  
**Agency Interest No. 90671**

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 Chris Kotrlik at (225) 219-3752 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 30<sup>th</sup> day of December, 2009.



Peggy M. Hatch  
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: Alice Fredlund

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

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

July 6, 2015

CERTIFIED MAIL (7005 1820 0002 2095 9581)  
RETURN RECEIPT REQUESTED

**C & C MARINE AND REPAIR, L.L.C.**  
c/o Anthony Cibulich  
Agent for Service of Process  
701 Engineers Rd.  
Belle Chasse, LA 70037

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-13-01069  
AGENCY INTEREST NO. 90671**

Dear Sir(s):

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 **C & C MARINE AND REPAIR, L.L.C. (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 Richard LeBlanc at (225) 219-3165.

Sincerely,

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

Celena J. Cage  
Administrator  
Enforcement Division

CJC/RDL/rdl  
Alt ID No. 2240-00390  
Attachment



c: C & C Marine and Repair, L.L.C.  
P.O. Box 2253  
Harvey, LA 70059



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

C & C MARINE AND REPAIR, L.L.C.  
PLAQUEMINES PARISH  
ALT ID NO. 2240-00390

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ENFORCEMENT TRACKING NO.

AE-CN-13-01069

AGENCY INTEREST NO.

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

90671

CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates a barge building and repair facility (facility) located at 701 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. The Respondent operated the facility under Title V Air Permit No. 2240-00390-V0 issued on June 2, 2010, Title V Air Permit No. 2240-00390-V1 issued on October 7, 2011, and Title V Air Permit No. 2240-00390-V2 issued on January 9, 2015. The Respondent currently operates the facility under Title V Air Permit No. 2240-00390-V3 issued on May 27, 2015.

II.

On December 30, 2009, the Department issued Compliance Order & Notice of Potential Penalty Enforcement Tracking No. AE-CN-08-0117 to the Respondent for violations discovered during inspections conducted by the Department on or about June 28, 2001, and April 21, 2008, and a file

review conducted by the Department on or about August 21, 2009. After a follow-up inspection conducted by the Department on or about November 29, 2010, which revealed the same violations cited in AE-CN-08-0117, AE-CN-08-0117 was made executory on July 7, 2011.

III.

On or about December 7, 2012, and December 8, 2014, the Department conducted inspections at the facility to determine compliance with the Air Quality Regulations. Additionally, the Department conducted file reviews for the facility on or about June 4, 2014, and June 17, 2015.

While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspections and file review:

- A. Both inspections revealed that the Respondent failed to maintain stockpiles of new and/or spent abrasive material in a manner that will minimize fugitive airborne emissions. Specifically, piles of new and/or spent abrasive material were observed at the facility uncovered and without emission controls in place. Each failure is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement Nos. 10 and 22, LAC 33:III.1329.G, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. Both inspections revealed that the Respondent failed to repair tarps prior to use when tears greater than six (6) inches in length were present. Specifically, tears greater than six (6) inches in length were observed in the blasting screens at the facility. Each failure is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement Nos. 7 and 19, LAC 33:III.1329.C.3, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- C. Both inspections revealed that the Respondent failed to fully enclose the item, or surround the structure, to be blasted. Specifically, blasting material was observed outside of the screens. Each failure is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement Nos. 4 and 16, LAC 33:III.1329.A.1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- D. Both inspections revealed that the Respondent failed to maintain the records specified in LAC 33:III.1333.A.1 through A.7 on the facility premises at all times and present them to an authorized representative of the Department upon request. Specifically, these records were not available at the facility during the inspections. Each failure is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement No. 12 and 24, LAC 33:III.1333, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- E. The December 7, 2012 inspection revealed that the Respondent failed to keep records of the total of the individual and combined toxic air pollutants (TAPs) each month, as well as the total of the individual and combined TAPs for the last twelve (12) months and make records available for inspection by Department personnel. Specifically, these records were not available at the facility during the inspection. This is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement No. 134, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- F. The Respondent self-reported in the facility's Title V 2011 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 22, 2011, a failure to keep records and supply reports according to LAC 33:III.5122, which incorporates by reference 40 CFR 63.783(a), from January 1, 2011, through June 30, 2011, for 1-08 Painting Operation Area A (ARE0001). This is a violation of AE-CN-08-0117, Title V Air Permit No. 2240-00390-V0 Specific Requirements 1 through 60, LAC 33:III.5122, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- G. The Respondent self-reported in the facility's Title V 2011 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 22, 2011, for 3-08 Sand Blasting Area A (ARE0003) a failure to record if abrasives contain less than ten (10) percent (by weight) of fines that would pass through a No. 80 sieve as documented by the supplier and/or a failure to take samples if documentation is not provided for weight percent of fines in abrasive materials from January 1, 2011, through June 30, 2011. This is a violation of Title V Air Permit No. 2240-00390-V0 Specific Requirement 96, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- H. The Respondent self-reported in the facility's Title V 2011 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 22, 2011, for 4-08 Sand Blasting Area B (ARE0004) a failure to record if abrasives contain less than ten (10) percent (by weight) of fines that would pass through a No. 80 sieve as documented by the supplier and/or a failure to take samples if documentation is not provided for weight percent of fines in abrasive materials from January 1, 2011, through June 30, 2011. This is a violation of Title V Air Permit No. 2240-00390-V0 Specific Requirement 108, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- I. The Respondent self-reported in the facility's Title V 2012 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 6, 2012, a TAPs exceedance above the facility-wide permit limits for UNF0001. The exceedance was reported as occurring from January 1, 2012, through June 30, 2012, due to increased paint usage. This is a violation of Title V Air Permit No. 2240-00390-V1 Emission

Rate For TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- J. The Respondent self-reported in the facility's Title V 2012 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 6, 2012, an exceedance of the reclaimed, recovered or fresh abrasive material/sand throughput above the permit limit of 200 tons per year for GRP0001. The exceedance was reported as occurring from January 1, 2012, through June 30, 2012, due to excessive blast material usage. This is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement No. 124, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported that the excessive blast material usage resulted in PM10 exceedances above the permit limits for ARE0003 and ARE0004. Each PM10 exceedance above the permit limits is a violation of Title V Air Permit No. 2240-00390-V1 Emission Rates for Criteria Pollutants and CO<sub>2e</sub>, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- K. The Respondent self-reported in the facility's Title V 2013 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 17, 2013, a TAPs exceedance above the facility-wide permit limits for UNF0001. The exceedance was reported as occurring from January 1, 2013, through June 30, 2013, due to increased paint usage. This is a violation of Title V Air Permit No. 2240-00390-V1 Emission Rate For TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- L. The Respondent self-reported in the facility's Title V 2013 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 17, 2013, an exceedance of the reclaimed, recovered or fresh abrasive material/sand throughput above the permit limit of 200 tons per year for GRP0001. The exceedance was reported as occurring from January 1, 2013, through June 30, 2013, due to excessive blast material usage. This is a violation of Title V Air Permit No. 2240-00390-V1 Specific Requirement No. 124, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported that the excessive blast material usage resulted in PM10 exceedances above the permit limits for ARE0003 and ARE0004. Each PM10 exceedance above the permit limits is a violation of Title V Air Permit No. 2240-00390-V1 Emission Rates for Criteria Pollutants and CO<sub>2e</sub>, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- M. The Respondent failed to provide information that was sufficient to assure compliance with the terms and conditions of the permit. Specifically, the Respondent submitted incomplete and/or inaccurate Title V Semiannual Monitoring

Reports and Title V Annual Compliance Certifications to the Department. The deficiencies are listed as follows:

Report	Date Submitted	Deficiency
2011 2 <sup>nd</sup> Semiannual Monitoring Report	2/24/2012	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 10/7/2011 through 12/31/2011
2011 Annual Compliance Certification	2/24/2012	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 10/7/2011 through 12/31/2011 - In Certification Part 3 under Deviation Reporting, the report states deviations "Not Previously Reported"; however, no further information is provided in Certification Part 4 under Deviation Summary Report
2012 1 <sup>st</sup> Semiannual Monitoring Report	7/6/2012	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 1/1/2012 through 6/30/2012 (report references incorrect version of permit)
2012 2 <sup>nd</sup> Semiannual Monitoring Report	3/28/2013	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 7/1/2012 through 12/31/2012 (report references incorrect version of permit)
2012 Annual Compliance Certification	3/28/2013	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 1/1/2012 through 12/31/2012 (report references incorrect version of permit) - In Certification Part 3 under Deviation Reporting, the report states deviations "Not Previously Reported"; however, no further information is provided in Certification Part 4 under Deviation Summary Report
2013 1 <sup>st</sup> Semiannual Monitoring Report	7/17/2013	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 1/1/2013 through 6/30/2013 (report references incorrect version of permit)
2013 2 <sup>nd</sup> Semiannual Monitoring Report	2/28/2014	- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 7/1/2013 through 12/31/2013 (report references incorrect version of permit)

Report	Date Submitted	Deficiency
2013 Annual Compliance Certification	2/28/2014	<ul style="list-style-type: none"> <li>- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 1/1/2013 through 12/31/2013 (report references incorrect version of permit)</li> <li>- In Certification Part 3 under Deviation Reporting, the report states deviations "Not Previously Reported"; however, no further information is provided in Certification Part 4 under Deviation Summary Report</li> </ul>
2014 1 <sup>st</sup> Semiannual Monitoring Report	N/A	<ul style="list-style-type: none"> <li>- Failed to submit a semiannual monitoring report to assure compliance with Title V Air Permit No. 2240-00390-V1 from 1/1/2014 through 6/30/2014</li> </ul>
2014 2 <sup>nd</sup> Semiannual Monitoring Report	3/12/2015	<ul style="list-style-type: none"> <li>- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 7/1/2014 through 12/31/2014 (report references incorrect version of permit)</li> <li>- Applicable Reporting Period stated as "01/07/14 to 12/31/4"</li> <li>- UNF0001 deviation reported as beginning on 1/1/2014 and ending on 6/30/2014 (incorrect reporting period)</li> <li>- GRP0001 deviation reported as beginning on 1/1/2013 and ending on 6/30/2013 (incorrect reporting period)</li> </ul>
2014 Annual Compliance Certification	3/12/2015	<ul style="list-style-type: none"> <li>- Failed to assure compliance with Title V Air Permit No. 2240-00390-V1 from 1/1/2014 through 12/31/2014 (report references incorrect version of permit)</li> <li>- In Certification Part 3 under Deviation Reporting, the report states deviations "Not Previously Reported"; however, no further information is provided in Certification Part 4 under Deviation Summary Report</li> </ul>

Each failure to submit a semiannual report clearly identifying all instances of deviation is a violation of Title V Air Permit No. 2240-00390-V1 40 CFR Part 70 General Condition K, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). Each failure to submit an annual certification sufficient to assure compliance with the terms and conditions of the permit is a violation of Title V Air Permit No. 2240-00390-V1 40

CFR Part 70 General Condition M, LAC 33:III.507.H, 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 Air Quality Regulations, including, but not limited to, minimizing fugitive airborne emissions by properly maintaining stockpiles of new and/or spent abrasive materials, repairing tarps of tears greater than six (6) inches in length prior to use, fully enclosing the item or structure to be blasted, maintaining all required records and supplying reports to the Department as required.

#### II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to maintain abrasive blasting records on a 36-month rolling basis according to LAC 33:III.1333 including the following:

1. permit application approval records and the facility's permit to construct/operate, where applicable;
2. a description of the type of *emission control equipment*, as defined in LAC 33:III.1325, employed at the facility;
3. descriptions and diagrams showing the locations of blasting operations on-site;
4. a monthly record of abrasive material usage, including:
  - a. for new material, weight percent of fines in abrasive material *per* the manufacturer;
  - b. if abrasive material is being reused, weight percent of fines as determined by sampling. For the purpose of determining weight percent of fines in abrasive material, samples shall be taken according to ASTM standard ASTM D 75-03;
5. applicable results, and data derived from results, of containment, ventilation, air, soil, fines, and other monitoring activities;
6. records of how spent material is handled, recycled, reused, or disposed of, including the names of, and any manifests or receipts from, any off-site facilities that accept the spent material; and
7. for abrasive blasting that is performed outside of a full enclosure or a blast cabinet, the following:
  - a. visual observations of particulate matter emissions, recorded at commencement of, and prior to ending of, operations less than four (4) hours in duration, and every four hours for operations greater than four (4) hours in duration;

- b. observations of wind direction, recorded simultaneously with the observations required in Subparagraph A.7.a of LAC 33:III.1333
- c. a daily record of actual operating times when such blasting is performed, based on a 24-hour clock

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes evidence that abrasive blasting records are being maintained according to LAC 33:III.1333.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the total of the individual and combined toxic air pollutants (TAPs) each month, as well as the total of the individual and combined TAPs for the last twelve (12) months for the facility. Additionally, to submit a written report of the total of the individual and combined TAPS from the periods in which exceedances were reported to the Department as mentioned above in Findings of Fact subparagraphs III.I and III.K.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the total of the reclaimed, recovered or fresh abrasive material/sand throughput from the periods in which exceedances were reported to the Department as mentioned above in Findings of Fact subparagraphs III.J and III.L. Additionally, to submit a written report that includes the amount of PM10 emissions as mentioned above in Findings of Fact subparagraphs III.J and III.L.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, corrected Title V Semiannual Monitoring Reports and Compliance Certifications for the reporting periods mentioned above in Findings of Fact subparagraph III.M.

VII.

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: Richard LeBlanc  
Re: Enforcement Tracking No. AE-CN-13-01069  
Agency Interest No. 90671

**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-13-01069  
Agency Interest No. 90671

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 Richard LeBlanc at (225) 219-3165 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 6 day of July, 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: Richard LeBlanc

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE		<b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b>		
ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				
Enforcement Tracking No.	AE-CN-19-00619	Certified Mail No.	7C17 0530 0000 5978 8589	
Agency Interest (AI) No.	90671	Contact Name	Christopher Clement	
Alternate ID No.	2240-00390	Contact Phone No.	(225) 219-3748	
Respondent:	C & C MARINE AND REPAIR, L.L.C.	Facility Name:	C & C MARINE AND REPAIR, L.L.C.	
	c/o Anthony Cibilich	Physical Location:	701 Engineers Rd.	
	Agent for Service of Process	City, State, Zip:	Belle Chasse, LA 70037	
	701 Engineers Rd. Belle Chasse, LA 70037	Parish:	Plaquemines	
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).				
<b>FINDINGS OF FACT</b>				
<i>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>				
I.	The Respondent owns and/or operates a barge building and repair facility (facility) located at 701 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. The Respondent operated the facility under Title V Air Permit No. 2240-00390-V0 issued on June 2, 2010, Title V Air Permit No. 2240-00390-V1 issued on October 7, 2011, Title V Air Permit No. 2240-00390-V2 issued on January 9, 2015, and Title V Air Permit No. 2240-00390-V3 issued on May 27, 2015. The Respondent currently operates the facility under Title V Air Permit No. 2240-00390-V4 issued on February 22, 2017.			
	<b>Date of Violation</b>	<b>Description of Violation</b>		
II.	Inspection(s) March 8, 2017	The Respondent failed to repair tarps when tears greater than six (6) inches in length were present. Specifically, multiple tears greater than six (6) inches in length were observed in the blasting screens at the facility. This is a violation of Specific Requirement No. 48 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.1329.C.3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).		
III.	Inspection(s) March 8, 2017 March 27-28, 2019	The Respondent failed to prepare and implement an abrasive blasting best management practices (BMP) plan as described in LAC 33:III.1331. Specifically, during the 2017 inspection the Respondent was not able to provide an abrasive blasting BMP plan for review. In a follow-up email dated April 11, 2017, the Respondent provided a draft BMP plan; however, it did not meet the requirements of LAC 33:III.1331. This is a violation of Specific Requirement Nos. 44 and 55 through 62 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.1329.A.2, LAC 33:III.1331, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). Additionally, in the 2019 inspection the BMP plan did not comply with the BMP Plan Contents Provisions as described in LAC 33:III.1331.F, the Personnel Training Provisions as described in LAC 33:III.1331.G, and the Inspection and Records Provisions as described in LAC 33:III.1331.H. This is a violation of Specific Requirement Nos. 17 and 44 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.1329.A.2, LAC 33:III.1331, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).		
IV.	Inspection(s) March 27-28, 2019	The Respondent failed to notify the Office of Environmental Compliance (OEC) of the exceedance of the 133.44 tons per year (tpy) Toxic Air Pollutant (TAP) emission limit for two (2) twelve (12) consecutive monthly periods. The TAP calculation records for March 2017 to February 2018, showed that the Respondent exceeded the permitted rolling limit by 22.1 tons per year. The TAP calculation records for January 2018 to December 2018, showed that the Respondent exceeded the permitted rolling limit by 19.2 tons per year. In each instance, the Respondent did not report the exceedance of the rolling limit to the Department as required in Specific Requirement No. 88 of Title V Air Permit No. 2240-00390-V4. Each failure to notify the OEC of the TAP rolling limit emission exceedance is a violation of Specific Requirement No. 88 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).		
V.	Inspection(s) March 27-28, 2019	The Respondent exceeded the TAP emission limits of 133.44 tpy for two (2) twelve (12) consecutive monthly periods. The TAP calculation records for March 2017 to February 2018, showed that the Respondent exceeded the permitted rolling limit by 22.1 tons per year. Additionally, the TAP calculation records for January 2018 to December 2018, showed that the Respondent exceeded the permitted rolling limit by 19.2 tons per year. Each exceedance of the TAP emission limit is a violation of Specific Requirement No. 88 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).		
VI.	Inspection(s) March 27-28, 2019	The Respondent failed to include copper in the twelve consecutive monthly TAP calculation records for the period from January 2018 to December 2018. The facility's records from January 2018 to December 2018 reported copper (metallic) as "none" for September 2018. The September 2018 Welding Consumables Purchase Records reported 50 total pounds of Oxford Alloys 309/309L electrodes were used. The Oxford Alloys 309/309L Safety Data Sheet section 3.2 lists copper at 0.75 - 4.0 percent of the mixture composition. Therefore, copper should have been listed in the twelve consecutive monthly TAP calculation records for September 2018. The failure to monitor and record all individual TAPs is a violation of Specific Requirement Nos. 89 and 90 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).		
VII.	Inspection(s) March 27-28, 2019	The Respondent failed to provide documentation, specified in LAC 33:III.2123.F.1 through F.4, to verify compliance with or exemption from LAC 33:III.2123 for two (2) years. Specifically, the Respondent could not provide the required records at the time of the inspection. This is a violation of Specific Requirement No. 10 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.2123, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).		



VIII.	Inspection(s) March 27-28, 2019	The Respondent failed to maintain Abrasive Blasting Management Plan records as specified in LAC 33:III.1333.A. Specifically, the Respondent's BMP did not have the following information: a description of the type of emission control equipment specified in LAC 33:III.1333.A.2; descriptions and diagrams showing the locations of blasting operations specified in LAC 33:III.1333.A.3; records of how spent material is handled, recycled, reused or disposed of as specified in LAC 33:III.1333.A.6; and records for outdoor blasting, specifically visual observations of particulate matter emissions, observations of wind direction, and actual operating times when blasting occurred as specified in LAC 33:III.1333.A.7. This is a violation of Specific Requirement Nos. 35 and 63 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.1333.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
IX.	File Review June 3, 2021	The Respondent failed to report deviations in their Title V Semi-Annual Monitoring reports and Title Annual Compliance Certifications for 2017 and 2018. Specifically, inspections were conducted at the facility on April 21, 2017, and May 15, 2019, that identified areas of concern that should have been reported as deviations in the Title V Semi-Annual Monitoring reports and the Title Annual Compliance Certifications for 2017 and 2018. The Respondent reported there were no deviations in the following reports: 2017 First Half Title V Semi-Annual Monitoring report dated September 15, 2017; 2017 Second Half Title V Semi-Annual Monitoring report dated February 27, 2018; 2017 Title V Annual Compliance Certification dated February 27, 2018; 2018 First Half Title V Semi-Annual Monitoring report dated August 17, 2018; 2018 Second Half Title V Semi-Annual Monitoring report dated March 23, 2019; and 2018 Title V Annual Compliance Certification dated March 23, 2019. Each failure to report deviations is a violation of Specific Requirement No. 95 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.535.A General Conditions K and M, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
<b>ORDER</b>		
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 Act and Air Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> 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, an abrasive blasting BMP plan which meets the requirements as described in LAC 33:III.1331.	
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, corrected Monthly TAP Reports for 2017 and 2018.	
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation, specified in LAC 33:III.2123.F.1 through F.4, to verify compliance with or exemption from LAC 33:III.2123.	
V.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation demonstrating compliance with LAC 33:III.1333.A, as specified in Findings of Fact paragraph VIII.	
VI.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, revised 2017 and 2018 Title V Semi-Annual Monitoring reports and Annual Compliance Certifications, as specified in Findings of Fact paragraph IX.	
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 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.	
<b>RIGHT TO APPEAL</b>		
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.	
<b>NOTICE OF POTENTIAL PENALTY</b>		
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. <b>DO NOT</b> 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.

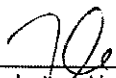
**CONTACTS AND SUBMITTAL OF INFORMATION**

<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Christopher Clement	<b>Hearing Requests:</b> 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-19-00619 Agency Interest No. 90671
<b>Permit Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

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

- To appeal the 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 Turfalde  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 10-14-2019

cc: C & C Marine and Repair, L.L.C.

P.O. Box 2253  
Harvey, LA 70059

Attachment(s)

- Request to Close

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

REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-19-00619	Contact Name	Christopher Clement
Agency Interest (AI) No.	90671	Contact Phone No.	(225) 219-3748
Alternate ID No.	2240-00390		
Respondent:	C & C MARINE AND REPAIR, L.L.C.	Facility Name:	C & C MARINE AND REPAIR, L.L.C.
	c/o Anthony Cibilich	Physical Location:	701 Engineers Rd.
	Agent for Service of Process		
	701 Engineers Rd.	City, State, Zip:	Belle Chasse, LA 70037
	Belle Chasse, LA 70037	Parish:	Plaquemines

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VI 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, III, IV, V, and VI 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	
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.Subpart 1.Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00619), 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-19-00619), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• 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.</li> </ul> The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00619) 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

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

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

SEP 10 2021

CERTIFIED MAIL (7019 1120 0000 2352 1251)  
RETURN RECEIPT REQUESTED

**C & C MARINE AND REPAIR, L.L.C.**  
c/o Anthony Cibilich  
Agent for Service of Process  
701 Engineers Road  
Belle Chasse, LA 70037

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-19-00619A  
AGENCY INTEREST NO. 90671**

Dear Sir:

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

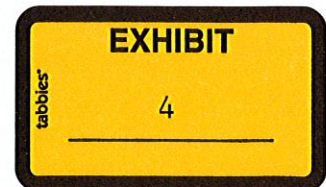
Any questions concerning this action should be directed to Christopher Clement at (225) 219-3748 or [Christopher.Clement@la.gov](mailto:Christopher.Clement@la.gov).

Sincerely,

A handwritten signature in black ink that reads "Angela Marse".

Angela Marse  
Administrator  
Enforcement Division

AM/CGC/cgc  
Alt ID No. 2240-00390  
Attachment



c: C & C Marine and Repair, L.L.C.  
P.O. Box 2253  
Harvey, LA 70059

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

<p>IN THE MATTER OF</p> <p>C &amp; C MARINE AND REPAIR, L.L.C. PLAQUEMINES PARISH ALT ID NO. 2240-00390</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>* * * * * * * * * * *</p>	<p>ENFORCEMENT TRACKING NO.</p> <p style="text-align: center;">AE-CN-19-00619A</p> <p>AGENCY INTEREST NO.</p> <p style="text-align: center;">90671</p>
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**AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-19-00619** issued to **C & C MARINE AND REPAIR, L.L.C. (RESPONDENT)** on June 14, 2021 in the above-captioned matter as follows:

I.

The Department hereby removes Findings of Fact paragraphs IV, V, and VI in their entirety.

II.

The Department hereby amends Findings of Fact paragraph IX as follows:

“IX.

The Respondent failed to report deviations in their Title V Semi-Annual Monitoring reports and Title Annual Compliance Certifications for 2017 and 2018. Specifically, inspections were conducted at the facility on March 8, 2017, and March 27-28, 2019, that identified areas of concern that should have been reported as deviations in the Title V Semi-Annual Monitoring reports and the Title Annual Compliance Certifications for 2017 and 2018. The Respondent reported there were no deviations in the following reports: 2017 First Half Title V Semi-Annual Monitoring report dated September 15, 2017; 2017 Second Half Title V Semi-Annual Monitoring report dated February 27, 2018; 2017 Title V Annual Compliance Certification dated February 27, 2018; 2018 First Half Title V Semi-Annual

Monitoring report dated August 17, 2018; 2018 Second Half Title V Semi-Annual Monitoring report dated March 23, 2019; and 2018 Title V Annual Compliance Certification dated March 23, 2019. Each failure to report deviations is a violation of Specific Requirement No. 95 of Title V Air Permit No. 2240-00390-V4, LAC 33:III.535.A General Conditions K and M, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).”

III.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-19-00619** and **AGENCY INTEREST NO. 90671** as if reiterated herein.

IV.

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

Baton Rouge, Louisiana, this 10<sup>th</sup> day of September, 2021.



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Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

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

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