

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CMP COATINGS, INC.

AI # 28088

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

\* Settlement Tracking No.  
\* SA-WE-22-0015  
\*  
\* Enforcement Tracking Nos.  
\* WE-CN-15-00529  
\* WE-CN-19-00220  
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SETTLEMENT

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

I

Respondent is a corporation that owns and/or operates a marine paint manufacturing, packaging, and storage facility located in Belle Chasse, Plaquemines Parish, Louisiana (“the Facility”).

II

On July 6, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-15-00529 (Exhibit 1).

On July 19, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-19-00220 (Exhibit 2).

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

A file review conducted by the Department on or about July 9, 2020, revealed that the Respondent exceeded effluent limitations. The effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) are summarized in the following table:

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units
04/30/2019	001-A	pH --- INST MIN	6	5	SU
	003-A	Solids, total suspended --- DAILY MX	45	52.5	mg/L
Coliform, fecal general --- DAILY MX		400	1210.5	#/100mL	
06/30/2019	003-A	Solids, total suspended --- MO AVG	30	35	mg/L
		Coliform, fecal general --- MO AVG	200	2419.6	#/100mL
		Coliform, fecal general --- DAILY MX	400	2419.6	#/100mL
07/31/2019	001-A	pH --- INST MIN	6	5	SU
	003-A	BOD, 5-day, 20 deg. C --- MO AVG	30	33	mg/L
		Coliform, fecal general --- MO AVG	200	2419.6	#/100mL
		Coliform, fecal general --- DAILY MX	400	2419.6	#/100mL
08/31/2019	001-A	pH --- INST MIN	6	5	SU
	003-A	Coliform, fecal general --- MO AVG	200	214	#/100mL
09/30/2019	003-A	Solids, total suspended --- MO AVG	30	67	mg/L
		Solids, total suspended --- DAILY MX	45	67	mg/L
		Coliform, fecal general --- MO AVG	200	2419.6	#/100mL
		Coliform, fecal general --- DAILY MX	400	2419.6	#/100mL
	004-A	Solids, total suspended --- MO AVG	30	72.5	mg/L
		Solids, total suspended --- DAILY MX	45	140	mg/L
	201-A	Solids, total suspended --- MO AVG	30	67.5	mg/L
		Solids, total suspended --- DAILY MX	45	130	mg/L
10/31/2019	003-A	Coliform, fecal general --- MO AVG	200	1210.3	#/100mL
		Coliform, fecal general --- DAILY MX	400	2419.6	#/100mL
	004-A	Solids, total suspended --- MO AVG	30	40	mg/L
		Solids, total suspended --- DAILY MX	45	75	mg/L
	201-A	BOD, 5-day, 20 deg. C --- MO AVG	30	51	mg/L
		BOD, 5-day, 20 deg. C --- DAILY MX	45	102	mg/L
		Solids, total suspended --- MO AVG	30	43	mg/L
		Solids, total suspended --- DAILY MX	45	81	mg/L
	301-A	BOD, 5-day, 20 deg. C --- MO AVG	30	33.5	mg/L
		BOD, 5-day, 20 deg. C --- DAILY MX	45	64	mg/L
		Solids, total suspended --- MO AVG	30	43	mg/L
Solids, total suspended --- DAILY MX		45	81	mg/L	
11/30/2019	004-A	Coliform, fecal general --- MO AVG	200	1210.3	#/100mL
		Coliform, fecal general --- DAILY MX	400	2419.6	#/100mL
12/31/2019	003-A	BOD, 5-day, 20 deg. C --- MO AVG	30	43	mg/L
		BOD, 5-day, 20 deg. C --- DAILY MX	45	55	mg/L
		Solids, total suspended --- MO AVG	30	33	mg/L
01/31/2020	003-A	Solids, total suspended --- MO AVG	30	39	mg/L
02/29/2020	003-A	BOD, 5-day, 20 deg. C --- MO AVG	30	32	mg/L

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units
		BOD, 5-day, 20 deg. C --- DAILY MX	45	<b>52</b>	mg/L
02/29/2020	003-A	Coliform, fecal general --- MO AVG	200	<b>1210.3</b>	#/100mL
		Coliform, fecal general --- DAILY MX	400	<b>2419.6</b>	#/100mL
03/31/2020	003-A	BOD, 5-day, 20 deg. C --- MO AVG	30	<b>37</b>	mg/L
		Solids, total suspended --- MO AVG	30	<b>52</b>	mg/L
		Solids, total suspended --- DAILY MX	45	<b>63</b>	mg/L
		Coliform, fecal general --- MO AVG	200	<b>207.5</b>	#/100mL
		Coliform, fecal general --- DAILY MX	400	<b>410</b>	#/100mL

Each effluent exceedance is a violation of LPDES permit LA0093211 (Permit Requirements, Pages 1 through 10 of 13; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

### III

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

### IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00), of which One Thousand Nine Hundred Fifty and 77/100 Dollars (\$1,950.77) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

### V

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

for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VI

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

## VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## VIII

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

## IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Plaquemines Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view

and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**CMP COATINGS, INC.**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

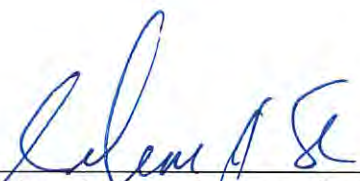
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at Baton Rouge, Louisiana.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

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

# SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment  
and submit to:

Department of Environmental Quality  
Financial Services Division  
P. O. Box 4303  
Baton Rouge, Louisiana 70821-4303  
**Attn:** Accountant Administrator

Payment # \_\_\_\_\_

**Respondent: CMP Coatings, Inc.**

**Settlement No: SA-WE-22-0015**

**Enforcement Tracking No(s): WE-CN-15-00529, WE-CN-19-00220**

**Payment Amount: \$45,000.00**

**AI Number: 28088**

**Alternate ID No(s):**

**TEMPO Activity Number: ENF20200001**

<b>For Official Use Only. Do Not write in this Section.</b>	
<b>Check Number:</b>	<b>Check Date:</b>
<b>Check Amount:</b>	<b>Received Date:</b>
<b>PIV Number:</b>	<b>PIV Date:</b>
<b>Stamp "Paid" in the box to the right and initial.</b>	
<b>Route Completed form to: Angela Marse, Administrator Enforcement Division</b>	
<b>And copy Amber G. Litchfield Legal Division</b>	



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, PH.D.  
SECRETARY

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

July 6, 2018

CERTIFIED MAIL (7004 2510 0006 3854 1136)  
RETURN RECEIPT REQUESTED

**CMP COATINGS, INC.**  
c/o Calvin P. Brasseaux, Esq.  
1001 Service Road East, Hwy. 190  
Northlake Corporate Park, Suite 103  
Covington, Louisiana 70434

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-15-00529  
AGENCY INTEREST NO. 28088**

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 **CMP COATINGS, INC. (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Bernie Boyett at (225) 219-0783.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/BKB/bkb  
Alt ID No. LA0093211  
Attachments

c: e-copy-DHH/Office of Public Health





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

**IN THE MATTER OF**

**CMP COATINGS, INC.  
PLAQUEMINES PARISH  
ALT ID NO. LA0093211**

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

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**ENFORCEMENT TRACKING NO.**

**WE-CN-15-00529**

**AGENCY INTEREST NO.**

**28088**

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

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

**FINDINGS OF FACT**

1.

The Respondent owns and/or operates a marine paint manufacturing, packaging, and storage facility located at 1610 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0093211 on August 14, 2013, with an effective date of September 1, 2013, and an expiration date of August 31, 2018. LPDES permit LA0093211 authorizes the Respondent to discharge once-through non-contact cooling water, treated sanitary wastewater, and stormwater runoff into Bayou Barataria, waters of the state.

II.

An inspection conducted by the Department on or about March 12, 2014, revealed that the Respondent was discharging from a location not authorized by LPDES permit LA0093211. Specifically, Outfall 101 is an internal outfall that is authorized by the permit to discharge non-contact cooling water to Outfall 001. At the time of the inspection, Outfall 101 was observed discharging from an open pipe from within the paint mixing building onto the ground and leaving the northeastern side of the property. The ground was saturated from the discharge, and the discharge was flowing in the direction of a ditch that runs parallel to the property, thence to Bayou Barataria, waters of the state. Due to the amount of discharge and the direction of flow, it was determined that the discharge had the potential to reach the waters of the state either by direct flow to the ditch or via storm water runoff. The discharge from a location not authorized by LPDES permit LA0093211 is a violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

III.

An inspection conducted by the Department on or about March 12, 2014, revealed that the Respondent failed to maintain the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP was last updated in January of 2004; there had been personnel changes since that time. At the time of the inspection, the SWPPP had not been updated to reflect the personnel changes. The failure to maintain the SWPPP is a violation of LPDES LA0093211 (Permit Requirements, Section N-6 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

IV.

A file review conducted by the Department on or about April 10, 2018, revealed that the Respondent had effluent limitation exceedances. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in attached Table A. Each effluent exceedance is a violation of LPDES permit LA0093211 (Permit Requirements, Pages 4 through 12 of 12; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

V.

A file review conducted by the Department on or about April 10, 2018, revealed that the Respondent failed to sample in accordance with LPDES permit LA0093211. The Respondent

Respondent reported the following sampling violations on DMRs as follows:

<b>Outfall</b>	<b>Parameters</b>	<b>Frequency</b>	<b>Monitoring Period</b>
001A	Total Organic Carbon, Oil & Grease, & pH	1/month	January 2014
001A	Total Organic Carbon, Oil & Grease, & pH	1/month	February 2014
001A	Total Organic Carbon, Oil & Grease, & pH	1/month	July 2014
001A	pH	1/month	May 2015
001A	pH & Xylene	1/month	April 2017

The failure to sample is a violation of LPDES permit LA0093211 (Permit Requirements, Page 4 of 12, and Standard Conditions for LPDES Permits, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

### **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 LPDES permit LA0093211 and the Water Quality Regulations including, but not limited to, properly operating and maintaining systems of treatment and control, implementing an adequate SWPPP, complying with all effluent limitations, and sampling as required by the permit.

II.

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

Office of Environmental Compliance  
 Post Office Box 4312  
 Baton Rouge, Louisiana 70821-4312  
**Attention: Bernie Boyett**  
**Enforcement Tracking No. WE-CN-15-00529**  
**Agency Interest No. 28088**

**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. WE-CN-15-00529**  
**Agency Interest No. 28088**

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's (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 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 Bernie Boyett at (225) 219-0783 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached **"CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE"** form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 6<sup>th</sup> day of May, 2018.



\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

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

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

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.	WE-CN-15-00529	Contact Name	Bernie Boyett
Agency Interest (AI) No.	28088	Contact Phone No.	(225) 219-0783
Alternate ID No.	LA0093211		
Respondent:	CMP COATINGS, INC.	Facility Name:	CMP Coatings, Inc.
	c/o Calvin P. Brasseaux, Esq.	Physical Location:	1610 Engineers Road
	Agent for Service of Process		
	1001 Service Road East, Hwy. 190	City, State, Zip:	Belle Chasse, LA 70037
	Covington, Louisiana 70434	Parish:	Plaquemines

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All items in the "Findings of Fact" portion of the <b>COMPLIANCE ORDER</b> were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the <b>COMPLIANCE ORDER</b> . Final compliance was achieved as of:		

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (WE-CN-15-00529)</b> , 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 <b>NOTICE OF POTENTIAL PENALTY (WE-CN-15-00529)</b> , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (WE-CN-15-00529)</b> and has attached a justification of its offer and a description of any BEPs if included in settlement offer.



<b>CERTIFICATION STATEMENT</b>		
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>		
Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Bernie Boyett		

**CMP Coatings, Inc. - LA0093211 - AI 28088**  
**Table A - Effluent Limitation Exceedances**

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units	
03/31/2014	001A	Xylene --- Daily Maximum	10	10.2	ug/L	
	301Q	Fecal coliform --- Monthly Average	200	47000	#/100mL	
		Fecal coliform --- Daily Maximum	400	47000	#/100mL	
	003Q	Fecal coliform --- Monthly Average	200	25000	#/100mL	
		Fecal coliform --- Daily Maximum	400	25000	#/100mL	
	004Q	Fecal coliform --- Monthly Average	200	540	#/100mL	
		Fecal coliform --- Daily Maximum	400	540	#/100mL	
	06/30/2014	301Q	Fecal coliform --- Monthly Average	200	1090	#/100mL
Fecal coliform --- Daily Maximum			400	1090	#/100mL	
004Q		Solids, total suspended --- Monthly Average	30	41	mg/L	
		Fecal coliform --- Monthly Average	200	18000	#/100mL	
		Fecal coliform --- Daily Maximum	400	18000	#/100mL	
09/30/2014	201Q	Solids, total suspended --- Monthly Average	30	65	mg/L	
		Solids, total suspended --- Daily Maximum	45	65	mg/L	
	301Q	BOD [5 day, 20 C] --- Monthly Average	30	55	mg/L	
		BOD [5 day, 20 C] --- Daily Maximum	45	55	mg/L	
		Fecal coliform --- Monthly Average	200	1640	#/100mL	
	003Q	Fecal coliform --- Daily Maximum	400	1640	#/100mL	
		BOD [5 day, 20 C] --- Monthly Average	30	62	mg/L	
	004Q	BOD [5 day, 20 C] --- Daily Maximum	45	62	mg/L	
		BOD [5 day, 20 C] --- Monthly Average	30	39	mg/L	
	12/31/2014	201Q	Solids, total suspended --- Monthly Average	30	48	mg/L
Solids, total suspended --- Daily Maximum			45	48	mg/L	
004Q		Solids, total suspended --- Monthly Average	30	37	mg/L	
03/31/2015	201Q	Solids, total suspended --- Monthly Average	30	42	mg/L	
	301Q	Solids, total suspended --- Monthly Average	30	72	mg/L	
		Solids, total suspended --- Daily Maximum	45	72	mg/L	
		Fecal coliform --- Monthly Average	200	3700	#/100mL	
	003Q	Fecal coliform --- Daily Maximum	400	3700	#/100mL	
		Solids, total suspended --- Monthly Average	30	75	mg/L	
	004Q	Solids, total suspended --- Daily Maximum	45	75	mg/L	
		Solids, total suspended --- Monthly Average	30	290	mg/L	
	06/30/2015	201Q	Solids, total suspended --- Daily Maximum	45	290	mg/L
			Fecal coliform --- Monthly Average	200	41000	#/100mL
06/30/2015	301Q	Fecal coliform --- Daily Maximum	400	41000	#/100mL	
		Solids, total suspended --- Monthly Average	30	74	mg/L	
	003Q	Solids, total suspended --- Daily Maximum	45	74	mg/L	
		Fecal coliform --- Monthly Average	200	540	#/100mL	
		Fecal coliform --- Daily Maximum	400	540	#/100mL	
	004Q	BOD [5 day, 20 C] --- Monthly Average	30	110	mg/L	
		BOD [5 day, 20 C] --- Daily Maximum	45	110	mg/L	
		Solids, total suspended --- Monthly Average	30	190	mg/L	
		Solids, total suspended --- Daily Maximum	45	190	mg/L	
		Fecal coliform --- Monthly Average	200	60000	#/100mL	
		Fecal coliform --- Daily Maximum	400	60000	#/100mL	
	09/30/2015	201Q	Fecal coliform --- Monthly Average	200	4400	#/100mL
			Fecal coliform --- Daily Maximum	400	4400	#/100mL
	09/30/2015	201Q	Solids, total suspended --- Monthly Average	30	49	mg/L
			Solids, total suspended --- Daily Maximum	45	49	mg/L
09/30/2015	301Q	Solids, total suspended --- Monthly Average	30	58	mg/L	

**CMP Coatings, Inc. - LA0093211 - AI 28088**  
**Table A - Effluent Limitation Exceedances**

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units	
09/30/2015	301Q	Solids, total suspended --- Daily Maximum	45	58	mg/L	
		Fecal coliform --- Monthly Average	200	4800	#/100mL	
		Fecal coliform --- Daily Maximum	400	4800	#/100mL	
12/31/2015	201Q	Solids, total suspended --- Monthly Average	30	130	mg/L	
		Solids, total suspended --- Daily Maximum	45	130	mg/L	
	301Q	Fecal coliform --- Monthly Average	200	1000	#/100mL	
		Fecal coliform --- Daily Maximum	400	1000	#/100mL	
	004Q	BOD [5 day, 20 C] --- Monthly Average	30	34	mg/L	
		Solids, total suspended --- Monthly Average	30	38	mg/L	
03/31/2016	201Q	Solids, total suspended --- Monthly Average	30	85	mg/L	
		Solids, total suspended --- Daily Maximum	45	85	mg/L	
	301Q	Solids, total suspended --- Monthly Average	30	47	mg/L	
		Solids, total suspended --- Daily Maximum	45	47	mg/L	
		Fecal coliform --- Monthly Average	200	2100	#/100mL	
		Fecal coliform --- Daily Maximum	400	2100	#/100mL	
	003Q	Solids, total suspended --- Monthly Average	30	47	mg/L	
		Solids, total suspended --- Daily Maximum	45	47	mg/L	
	004Q	Solids, total suspended --- Monthly Average	30	43	mg/L	
	06/30/2016	101Q	Carbon, tot organic --- Daily Maximum	5	68.7	mg/L
		201Q	BOD [5 day, 20 C] --- Monthly Average	30	130	mg/L
			BOD [5 day, 20 C] --- Daily Maximum	45	130	mg/L
		Solids, total suspended --- Monthly Average	30	57	mg/L	
		Solids, total suspended --- Daily Maximum	45	57	mg/L	
301Q		BOD [5 day, 20 C] --- Monthly Average	30	434	mg/L	
		BOD [5 day, 20 C] --- Daily Maximum	45	434	mg/L	
		Solids, total suspended --- Monthly Average	30	74	mg/L	
		Solids, total suspended --- Daily Maximum	45	74	mg/L	
003Q		Solids, total suspended --- Monthly Average	30	2000	mg/L	
		Solids, total suspended --- Daily Maximum	45	2000	mg/L	
004Q		BOD [5 day, 20 C] --- Monthly Average	30	32	mg/L	
		Solids, total suspended --- Monthly Average	30	1000	mg/L	
		Solids, total suspended --- Daily Maximum	45	1000	mg/L	
09/30/2016		101Q	Carbon, tot organic --- Daily Maximum	5	8.7	mg/L
		201Q	Solids, total suspended --- Monthly Average	30	42	mg/L
		301Q	BOD [5 day, 20 C] --- Monthly Average	30	60	mg/L
			BOD [5 day, 20 C] --- Daily Maximum	45	60	mg/L
	003Q	Solids, total suspended --- Monthly Average	30	300	mg/L	
Solids, total suspended --- Daily Maximum		45	300	mg/L		
12/31/2016	101Q	Carbon, tot organic --- Daily Maximum	5	14	mg/L	
	301Q	Fecal coliform --- Monthly Average	200	2419.6	#/100mL	
		Fecal coliform --- Daily Maximum	400	2419.6	#/100mL	
	003Q	Solids, total suspended --- Monthly Average	30	78	mg/L	
Solids, total suspended --- Daily Maximum		45	78	mg/L		
03/31/2017	201Q	Solids, total suspended --- Monthly Average	30	200	mg/L	
		Solids, total suspended --- Daily Maximum	45	200	mg/L	
	301Q	BOD [5 day, 20 C] --- Monthly Average	30	40	mg/L	
		Solids, total suspended --- Monthly Average	30	87	mg/L	
	003Q	Solids, total suspended --- Daily Maximum	45	87	mg/L	
		BOD [5 day, 20 C] --- Monthly Average	30	36	mg/L	

**CMP Coatings, Inc. - LA0093211 - AI 28088**  
**Table A - Effluent Limitation Exceedances**

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units
06/30/2017	201Q	Solids, total suspended --- Monthly Average	30	180	mg/L
		Solids, total suspended --- Daily Maximum	45	180	mg/L
	301Q	Solids, total suspended --- Monthly Average	30	37	mg/L
	003Q	Solids, total suspended --- Monthly Average	30	210	mg/L
		Solids, total suspended --- Daily Maximum	45	210	mg/L
		Fecal coliform --- Monthly Average	200	730	#/100mL
		Fecal coliform --- Daily Maximum	400	730	#/100mL
	004Q	Fecal coliform --- Monthly Average	200	2419.6	#/100mL
		Fecal coliform --- Daily Maximum	400	2419.6	#/100mL
	09/30/2017	301Q	BOD [5 day, 20 C] --- Monthly Average	30	88
BOD [5 day, 20 C] --- Daily Maximum			45	88	mg/L
003Q		Solids, total suspended --- Monthly Average	30	75	mg/L
		Solids, total suspended --- Daily Maximum	45	75	mg/L
		Fecal coliform --- Monthly Average	200	365	#/100mL
004Q		Fecal coliform --- Monthly Average	200	2419.6	#/100mL
		Fecal coliform --- Daily Maximum	400	2419.6	#/100mL
03/31/2018		001A	Xylene --- Daily Maximum	10	224
	201Q	Solids, total suspended --- Monthly Average	30	34	mg/L
	301Q	Solids, total suspended --- Monthly Average	30	36	mg/L
	003Q	BOD [5 day, 20 C] --- Monthly Average	30	42	mg/L
		Solids, total suspended --- Monthly Average	30	98	mg/L
		Solids, total suspended --- Daily Maximum	45	98	mg/L

# SETTLEMENT AGREEMENTS

## WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

## HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

## WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

		NATURE AND GRAVITY OF THE VIOLATION		
		MAJOR	MODERATE	MINOR
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

### Degree of Risk to Human Health or Property

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

**Moderate:** (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

**Minor:** (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

### Nature and Gravity of the Violation

**Major:** Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

**Moderate:** Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

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

### The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



# SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

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

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

## WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

## WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

## WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers .....	searchable in <a href="#">EDMS</a> using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements .....	<a href="#">Enforcement Division's website</a> specific examples can be provided upon request
Penalty Determination Method .....	<a href="#">LAC 33:1 Chapter 7</a>
Beneficial Environmental Projects .....	<a href="#">LAC 33:1 Chapter 25</a> <a href="#">FAQs</a>
Judicial Interest.....	<a href="#">provided by the Louisiana State Bar Association</a>





JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, PH.D.  
SECRETARY

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

June 19, 2019

CERTIFIED MAIL (7017 0530 0000 5978 9944)  
RETURN RECEIPT REQUESTED

**CMP COATINGS, INC.**  
c/o Calvin P. Brasseaux, Esq.  
1001 Service Road East, Hwy. 190  
Northlake Corporate Park, Suite 103  
Covington, Louisiana 70434

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-19-00220  
AGENCY INTEREST NO. 28088**

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 **CMP COATINGS, INC. (RESPONDENT)** for the violations described therein.

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

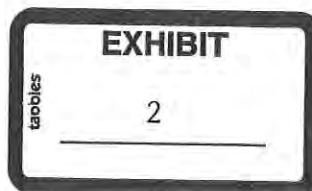
Any questions concerning this action should be directed to Bernie Boyett at (225) 219-0783.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/BKB/bkb  
Alt ID No. LA0093211  
Attachments

c: e-copy-LDH/Office of Public Health



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

**IN THE MATTER OF**

**CMP COATINGS, INC.  
PLAQUEMINES PARISH  
ALT ID NO. LA0093211**

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

\*  
\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **WE-CN-19-00220**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **28088**  
\*

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

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

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates a marine paint manufacturing, packaging, and storage facility located at 1610 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0093211 on August 14, 2013, with an effective date of September 1, 2013, and an expiration date of August 31, 2018. The Respondent submitted a written request, dated March 6, 2018, to the Department to extend the deadline for the LPDES permit renewal application. On March 21, 2018, the Department granted an extension of the deadline to April 20, 2018. The



Respondent submitted an LPDES permit renewal application to the Department on or about March 20, 2018, and LPDES permit LA0093211 was administratively continued. LPDES permit LA0093211 was reissued on September 25, 2018, with an effective date of November 1, 2018, and an expiration date of October 31, 2023. LPDES permit LA0093211 authorizes the Respondent to discharge once-through non-contact cooling water, treated sanitary wastewater, and storm water runoff to local drainage, thence into Bayou Barataria, waters of the state.

II.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-00529** on or about July 6, 2018. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-00529** was received by the Respondent on July 17, 2018. The Respondent submitted a written response to the Department on or about August 28, 2018. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-00529** is a final action of the Department and not subject to further review.

III.

An inspection conducted by the Department on or about January 30, 2019, revealed that the Respondent failed to implement a portion of the Storm Water Pollution Prevention Plan (SWPPP). Specifically, the Respondent failed to conduct monthly and annual inspections of the facility site to identify areas contributing to the storm water discharge from the developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed. The failure to implement any portion of an SWPPP is a violation of LPDES LA0093211 (Permit Requirements, Section N-8 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.A.

IV.

A file review conducted by the Department on or about April 29, 2019, revealed that the Respondent had effluent limitation exceedances. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in attached Table A. Each effluent exceedance is a violation of LPDES permit LA0093211 (Permit Requirements, Pages 4 through 12 of 12 prior to November 1, 2018; Permit Requirements, Pages 1 through 10 of 13 after November 1, 2018; and

Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

### **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 LPDES permit LA0093211 and the Water Quality Regulations including, but not limited to, implementing an adequate SWPPP, and complying with all effluent limitations.

II.

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

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attention: Bernie Boyett**  
**Enforcement Tracking No. WE-CN-19-00220**  
**Agency Interest No. 28088**

**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. WE-CN-19-00220**  
**Agency Interest No. 28088**

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's (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 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 Bernie Boyett at (225) 219-0783 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by

the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

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

V.

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

Baton Rouge, Louisiana, this 19<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

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

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

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.	WE-CN-19-00220	Contact Name	Bernie Boyett
Agency Interest (AI) No.	28088	Contact Phone No.	(225) 219-0783
Alternate ID No.	LA0093211		
Respondent:	CMP COATINGS, INC.	Facility Name:	CMP Coatings, Inc.
	c/o Calvin P. Brasseaux, Esq. Agent for Service of Process	Physical Location:	1610 Engineers Road
	1001 Service Road East, Hwy. 190	City, State, Zip:	Belle Chasse, LA 70037
	Covington, Louisiana 70434	Parish:	Plaquemines

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All items in the "Findings of Fact" portion of the <b>COMPLIANCE ORDER</b> were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the <b>COMPLIANCE ORDER</b> . Final compliance was achieved as of:		

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (WE-CN-19-00220)</b> , 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 <b>NOTICE OF POTENTIAL PENALTY (WE-CN-19-00220)</b> , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (WE-CN-19-00220)</b> 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: Bernie Boyett

**CMP Coatings, Inc. - LA0093211 - AI 28088**  
**Table A - Effluent Limitation Exceedances**

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units
07/31/2018	001A	Xylene --- Daily Maximum	10	14.1	ug/L
11/30/2018	001A	pH Istantaneous Minimum	6	5	SU
	003A	Solids, total suspended --- Monthly Average	30	79	mg/L
		Solids, total suspended --- Daily Maximum	45	79	mg/L
	004A	Solids, total suspended --- Monthly Average	30	35	mg/L
	201A	Solids, total suspended --- Monthly Average	30	150	mg/L
		Solids, total suspended --- Daily Maximum	45	150	mg/L
12/31/2018	001A	pH Istantaneous Minimum	6	5	SU
	003A	Solids, total suspended --- Monthly Average	30	87	mg/L
		Solids, total suspended --- Daily Maximum	45	120	mg/L
	201A	Solids, total suspended --- Monthly Average	30	348	mg/L
		Solids, total suspended --- Daily Maximum	45	930	mg/L
	301A	BOD [5 day, 20 C] --- Monthly Average	30	68	mg/L
		BOD [5 day, 20 C] --- Daily Maximum	45	133	mg/L
		Solids, total suspended --- Monthly Average	30	47	mg/L
		Solids, total suspended --- Daily Maximum	45	89	mg/L
	1/31/2019	001A	pH Istantaneous Minimum	6	5
02/28/2019	001A	pH Istantaneous Minimum	6	5	SU
	003A	Solids, total suspended --- Monthly Average	30	38	mg/L
		Solids, total suspended --- Daily Maximum	45	57	mg/L
		Coliform, fecal general --- Daily Maximum	400	1110	#/100mL
03/31/2019	003A	Solids, total suspended --- Monthly Average	30	510	mg/L
		Solids, total suspended --- Daily Maximum	45	510	mg/L
		Coliform, fecal general --- Monthly Average	200	2419.6	#/100mL
		Coliform, fecal general --- Daily Maximum	400	2419.6	mg/L



# SETTLEMENT AGREEMENTS

## WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

## HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

## WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500	\$20,000	\$15,000
	to \$20,000	to \$15,000	to \$11,000
MODERATE	\$11,000	\$8,000	\$5,000
	to \$8,000	to \$5,000	to \$3,000
MINOR	\$3,000	\$1,500	\$500
	to \$1,500	to \$500	to \$100

### Degree of Risk to Human Health or Property

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

**Moderate:** (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

**Minor:** (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

### Nature and Gravity of the Violation

**Major:** Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

**Moderate:** Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

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

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



# SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

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

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

## WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

## WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

## WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers .....	searchable in <a href="#">EDMS</a> using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements .....	<a href="#">Enforcement Division's website</a> specific examples can be provided upon request
Penalty Determination Method .....	<a href="#">LAC 33:1 Chapter 7</a>
Beneficial Environmental Projects .....	<a href="#">LAC 33:1 Chapter 25</a> <a href="#">FAQs</a>
Judicial Interest.....	<a href="#">provided by the Louisiana State Bar Association</a>

