

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PETROLEUM FUEL AND TERMINAL
COMPANY

AI # 32818

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

* Settlement Tracking No.
* SA-MM-22-0002
*
* Enforcement Tracking Nos.
* WE-CN-13-00956
* WE-PP-18-00088
* MM-CN-19-00380
*
* Docket No. 2020-8833-DEQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Petroleum Fuel and Terminal Company (“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 facility located in Mount Airy, St. John the Baptist Parish, Louisiana (“the Facility”).

II

On May 20, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-00956 (Exhibit 1).

On May 7, 2018, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. WE-PP-18-00088 (Exhibit 2)

On July 31, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-00380 (Exhibit 3).

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

An inspection conducted by the Department on or about February 24, 2016, revealed that the Respondent failed to comply with the requirements of Compliance Order & Notice of Potential Penalty WE-CN-13-00956. Specifically, the Respondent failed to increase the monitoring frequency from semiannually to once per quarter and sample in the last quarter of 2015 after exceeding the daily maximum interim limitation for TSS for Outfalls 103A and 103B in July 2015. Each failure to sample is a violation of Compliance Order & Notice of Potential Penalty WE-CN-13-00956, LAC 33:IX.501.A, and La. R.S. 30:2076(A)(3).

An inspection conducted by the Department on or about February 24, 2016, revealed that the Respondent failed to comply with the requirements of Compliance Order & Notice of Potential Penalty WE-CN-13-00956. Specifically, the Respondent failed to monitor pH for Outfalls 103A and 103B during the semiannual monitoring periods of July 2015 through December 2015 and January 2016 through June 2016. Each failure to monitor pH is a violation of Compliance Order & Notice of Potential Penalty WE-CN-13-00956, LAC 33:IX.501.A, and La. R.S. 30:2076(A)(3).

An inspection conducted by the Department on or about February 24, 2016, and subsequent file review on June 29, 2017, revealed that the Respondent failed to comply with the requirements of Compliance Order & Notice of Potential Penalty WE-CN-13-00956. Specifically, the Respondent failed to submit DMRs timely for the monitoring periods of July 2015 through December 2015 and January 2016 through March 2016. These DMRs were received by the Department on August 4, 2016. Each failure to timely submit DMRs is a violation of Compliance Order & Notice of Potential

Penalty WE-CN-13-00956, LAC 33:IX.501.A, and La. R.S. 30:2076(A)(3).

An inspection conducted by the Department on or about February 24, 2016, and subsequent file review on June 29, 2017, revealed that the Respondent failed to comply with the requirements of Compliance Order & Notice of Potential Penalty WE-CN-13-00956. Specifically, as reported by the Respondent on Discharge Monitoring Reports and/or lab data obtained at the time of the inspection, the Respondent exceeded the interim limitations established in Compliance Order & Notice of Potential Penalty WE-CN-13-00956 as follows:

Date	Outfall	Parameter	Permit Limit	Sample Value
7/1/2015 – 12/31/2015	103A	TSS (monthly average)	30 mg/L	82 mg/L
		TSS (daily maximum)	45 mg/L	144 mg/L
	103B	TSS (monthly average)	30 mg/L	55 mg/L
		TSS (daily maximum)	45 mg/L	89 mg/L (from lab data)
1/1/2016 – 3/30/2016	103A	TSS (monthly average)	30 mg/L	36 mg/L
	103B	TSS (monthly average)	30 mg/L	38 mg/L

Each exceedance of an interim limitation is a violation of Compliance Order & Notice of Potential Penalty WE-CN-13-00956, LAC 33:IX.501.A, and La. R.S. 30:2076(A)(3).

An inspection conducted by the Department on or about February 24, 2016, revealed that the Respondent failed to comply with the requirements of Compliance Order & Notice of Potential Penalty WE-CN-13-00956. Specifically, the Respondent failed to timely report the exceedance in writing to the Department within five (5) working days after the TSS daily maximum interim limitation exceedance for Outfall 103A that occurred on July 10, 2015. The Department received the report of the exceedance on August 3, 2015. The failure to timely report the exceedance within five (5) working days is a violation of Compliance Order & Notice of Potential Penalty WE-CN-13-00956, LAC 33:IX.501.A, and La. R.S. 30:2076(A)(3).

An inspection conducted by the Department on or about February 24, 2016, revealed that the Respondent failed to properly implement the Storm Water Pollution Prevention Plan (SWPPP) and to comply with the requirements of Compliance Order & Notice of Potential Penalty WE-CN-13-00956. Specifically, the Respondent failed to have records of the SWPPP 2015 annual inspections and storm water training records as required by the SWPPP. Each failure to properly implement the SWPPP by maintaining records of annual inspections and training is a violation of LPDES permit LA0051993 (Narrative Requirements, T-9 and Part III, Section A.2), Compliance Order & Notice of Potential Penalty WE-CN-13-00956, LAC 33:IX.501.A, La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

Inspections conducted by the Department on or about February 24, 2016, and July 19, 2016, revealed that the Respondent failed to develop an adequate Spill Prevention and Control (SPC) plan. Specifically, Tank Nos. 107, 109A, and 212 are used to store waste water prior to treatment. Tank No. 109A is not included in the plan and Tank Nos. 107 and 212 are incorrectly described. The failure to develop an adequate Spill Prevention and Control (SPC) plan is a violation of LAC 33:IX.907.B.7 and La. R.S. 30:2076(A)(3).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (MM-CN-19-00380), 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 EIGHTEEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$18,200.00), of which Three Thousand Thirty-Four and 81/100 Dollars (\$3,034.81) 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, 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 St. John the Baptist 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.

PETROLEUM FUEL AND TERMINAL COMPANY

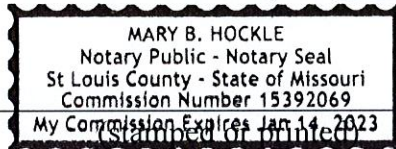
BY: Jutta Affleck
(Signature)

J & Affleck
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 26th day of August, 20 22, at 9:30 am.

Mary B. Hockle
NOTARY PUBLIC (ID # 153920) 69

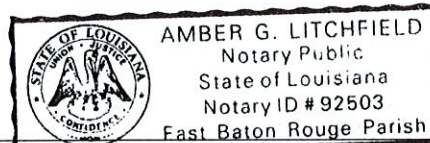


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 14th day of November, 20 22, at Baton Rouge, Louisiana.

Amber G. Litchfield
NOTARY PUBLIC (ID # 92503)



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

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 20, 2015

CERTIFIED MAIL (7004 2510 0006 3854 3420)
RETURN RECEIPT REQUESTED

PETROLEUM FUEL AND TERMINAL COMPANY
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Suite 400 B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-13-00956
AGENCY INTEREST NO. 32818**

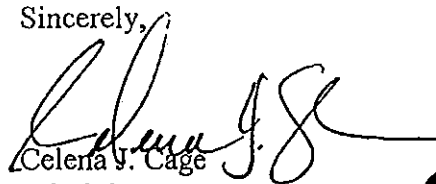
Dear Sir:

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 **PETROLEUM FUEL AND TERMINAL COMPANY (RESPONDENT)** for the violations described therein.

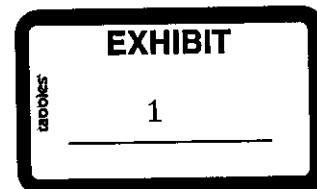
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Richard Ober, Jr. at (225) 219-3135.

Sincerely,


Celesta J. Cage
Administrator
Enforcement Division

CJC/RO/ro
Alt ID No. LA0051993
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
PETROLEUM FUEL AND TERMINAL	*	ENFORCEMENT TRACKING NO.
COMPANY	*	
ST. JOHN THE BAPTIST PARISH	*	
ALT ID NO. LA0051993	*	WE-CN-13-00956
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	32818
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 **PETROLEUM FUEL AND TERMINAL COMPANY (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 bulk petroleum storage and transfer facility known as Mount Airy Terminal Facility, located at 4084 Louisiana Highway 44 in Mount Airy, St. John the Baptist Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0051993 on September 22, 2005, with an effective date of November 1, 2005, and an expiration date of October 31, 2010. The Department received a permit renewal application from the Respondent on or about May 5, 2010, and the permit was administratively continued. LPDES permit LA0051993 was reissued to the Respondent on or about June 8, 2011, with an effective date of July 1, 2011, and an expiration date of June 30, 2016. Under the terms and conditions of LPDES permit LA0051993 the Respondent is authorized to discharge from the facility, boiler blowdown, fire test water, and process area stormwater runoff into the Mississippi River (Outfall

001); and non-process area stormwater runoff from un-named drainage ditches into Dupont Canal; and thence into Hope Canal (Outfall 003), all waters of the state.

II.

An inspection conducted by the Department on or about May 23, 2013, revealed that the Respondent caused and/or allowed the unauthorized discharges of treated sanitary wastewater from the facility into waters of the state. Specifically, the Respondent has two (2) unauthorized discharges of treated sanitary wastewater: 1) the unauthorized discharge of treated sanitary wastewater from the sewage treatment plant (STP), which serves the main office building, through a pipe into an un-named drainage ditch parallel to the tank farm; and 2) the unauthorized discharge of treated sanitary wastewater combined from two (2) STPs (one STP serves the maintenance shop and one STP serves the control room), into an unnamed drainage ditch, where the discharge combines with the LPDES permitted non-process area stormwater runoff, and then discharges through Outfall 003. However, in the LPDES renewal permit application received by the Department on or about May 5, 2010, it states that the sanitary wastewater discharges through an individual treatment system into a septic tank and into underground absorption lines. During the inspection, a discharge was observed from the pipe of the STP which serves the main office building. The two (2) treated sanitary wastewater discharges are not authorized by LPDES permit LA0051993. Each unauthorized discharge of treated sanitary wastewater into waters of the state 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 May 23, 2013, revealed that the Respondent failed to disclose the two (2) sanitary wastewater outfalls (listed above in Paragraph II) in the application. In the application, the Respondent reported that the treated sanitary wastewater discharges through an individual treatment system into a septic tank and into underground absorption lines. The failure to disclose fully all relevant facts, in the application or during the permit issuance process to the Permits Division of the Department is a violation of LPDES permit LA0051993 (Standard Conditions, Sections A.2 and A.6.b), La. R.S. 30:2076(A)(3), and LAC 33:IX.2907.A.2.

IV.

An inspection conducted by the Department on or about May 23, 2013, revealed that the Respondent failed to adequately implement the Storm Water Pollution Prevention Plan (SWPPP). Specifically, the Respondent failed to maintain records of the SWPPP annual inspections and storm water training records as required by the SWPPP. The failure to adequately implement the SWPPP by

maintaining records of annual inspections and training is a violation of LPDES permit LA0051993 (Narrative Requirements, T-9 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility to waters of the state, and to take any and all steps necessary to meet and maintain compliance with the Water Quality Regulations.

II.

To protect water quality, the Respondent is required to comply with the following:

- A) **If the Respondent chooses to discharge to waters of the state**, a properly completed LPDES notice of intent or appropriate LPDES permit application must be submitted to the Department within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The properly completed LPDES notice of intent or permit application must address all outfalls at the facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25. The three copies (the original and two copies) of the completed application or NOI should be submitted to:

Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Permits Division

A copy of the completed application or NOI must also be sent to the Enforcement Division. For help or questions concerning the application or NOI, you may contact DEQ Small Business Assistance at 1-800-259-2890.

If a properly completed LPDES notice of intent or permit application is not submitted within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the following interim discharge limitations and monitoring requirements will be terminated and the Department may take additional enforcement action.

The points of discharge are hereby designated as Outfalls 103A and 103B. The discharge from this facility's operation shall be monitored at the point(s) of discharge prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the following interim effluent limitations and monitoring requirements in addition to the effluent limitations and monitoring requirements established in LPDES permit LA0051993 until a final LPDES permit is re-issued by the Department or until the Respondent is otherwise notified in writing by the Department:

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
INTERNAL OUTFALL 103A AND 103B – TREATED SANITARY WASTEWATER

Parameter	Quantity Limits Avg.	Quantity Limits Max.	Quality Limits Min.	Quality Limits Monthly Avg.	Quality Limits Daily Max.	Measurement Frequency	Sample Type
BOD ₅ (mg/L)	-----	-----	-----	30 mg/L	45 mg/L	Semi-Annually	Grab
TSS ¹ (mg/L)	-----	-----	-----	30 mg/L	45 mg/L	Semi-Annually	Grab
Fecal Coliform (col/100 mL)	-----	-----	-----	200 (col/100 mL)	400 (col/100 mL)	Semi-Annually	Grab
pH	-----	-----	6.0 INST MIN	-----	9.0 INST MAX	Semi-Annually	Grab
Flow, in conduit or through treatment plant	Report Monthly Avg. Gallons/Day	Report Daily Max. Gallons/Day	-----	-----	-----	Semi-Annually	Estimate

¹If the treatment unit is an oxidation pond, the monthly average limitation shall be 90 mg/L and the weekly average limitation shall be 135 mg/L.

If the value of this effluent characteristic exceeds the Daily Maximum limit in any sample, then the Monitoring Frequency shall increase to 1/quarter. This increased frequency shall continue until a sample demonstrates a value less than or equal to the Daily Maximum. The results of the increased frequency shall be included in the calculation and reporting of the data submitted in the DMR.

The Respondent shall comply with the General Criteria for water quality standards listed in LAC 33:IX.1113.B.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge point(s) prior to mixing with other waters.

Laboratory procedures and analyses shall be conducted by a commercial laboratory that has been certified by the Department in accordance with the requirements set forth under LAC 33:I. Subpart 3, Chapters 49-55. A list of laboratories that have received accreditation is available on the Department's website located at: <http://www.deq.louisiana.gov/portal/DIVISIONS/PublicParticipationandPermitSupport/LouisianaLaboratoryAccreditationProgram/AccreditedLaboratories.aspx>. Questions concerning the program may be directed to (225) 219-3247.

Samples and measurements shall be representative of the volume and nature of the discharge and collected and analyzed according to the requirements of LAC 33:IX.2701.J. Monitoring results

from all sample analyses shall be reported on Discharge Monitoring Reports (DMRs) (EPA Form 3320-1) and forwarded to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Permit Compliance Unit

DMRs shall be submitted no later than the twenty-eighth (28) day of the month following the monitoring period specified in this **COMPLIANCE ORDER**. The monitoring period shall begin on the first day of the month following receipt of **COMPLIANCE ORDER WE-CN-13-00956**. The Respondent shall continue the submission of DMRs by the twenty-eighth (28) day of the month following each monitoring period until the Respondent is authorized under a LPDES permit or until otherwise notified in writing by this Department. **COMPLIANCE ORDER WE-CN-13-00956**, AI# 32818, and LA0051993 should be referenced on all DMRs submitted in accordance with this **COMPLIANCE ORDER**. Instructions for the proper completion of DMRs and examples of properly completed DMRs may be found on the Department's website at: <http://www.deq.louisiana.gov/portal/DIVISIONS/Enforcement/WaterEnforcement.aspx>. Blank DMR forms may also be downloaded from this website.

The Respondent shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations and monitoring requirements. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up auxiliary facilities or similar systems, which are installed by a facility only when the operation is necessary to achieve compliance with the conditions of these interim limitations and monitoring requirements.

These interim limitations and monitoring requirements do not convey any property rights of any sort.

If the Daily Maximum limitation on any parameter is exceeded, the Respondent shall report said exceedance(s) in writing to the Office of Environmental Compliance, within five (5) working days after becoming aware of the violations. **COMPLIANCE ORDER WE-CN-13-00956**, AI# 32818, and LA0051993 should be referenced on all such reports submitted in accordance with this **COMPLIANCE ORDER**. The report should include the date, time, and duration of the noncompliance; the details of the circumstances and events leading to the noncompliance; the corrective actions taken or to be taken to correct the noncompliance and if not corrected, the anticipated time the noncompliance is expected to continue; the procedures or measures taken or to be taken to prevent recurrence of the noncompliance; and a determination of whether or not the noncompliance was preventable.

For sanitary treatment plants, the plans and specifications must be approved by the Louisiana Department of Health and Hospitals, Office of Public Health, P.O. Box 629, Baton Rouge, Louisiana 70821, (225) 342-9500. Additionally, any discharge to a highway ditch, cross ditch, or right-of-way requires approval from the Louisiana

Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245, (225) 379-1301.

- B) **If the Respondent does not choose to discharge to waters of the state**, the Respondent shall, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges to waters of the state.

III.

To properly implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a site specific Storm Water Pollution Prevention Plan (SWPPP) for **PETROLEUM FUEL AND TERMINAL COMPANY**. A copy of the SWPPP shall also be submitted to the Enforcement Division.

IV.

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 Ober, Jr.
Re: Enforcement Tracking No. WE-CN-13-00956
Agency Interest No. 32818

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-13-00956
Agency Interest No. 32818

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 Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

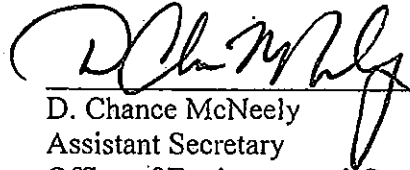
III.

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 20 day of May, 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 Ober, Jr.

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



ENFORCEMENT DIVISION **NOTICE OF POTENTIAL PENALTY**
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

Enforcement Tracking No.	WE-PP-18-00088	Certified Mail No.	7004 2510 0006 3853 4565
Agency Interest (AI) No.	32818	Contact Name	Richard Ober, Jr.
Alternate ID No.	LA0051993	Contact Phone No.	(225) 219-3135
Respondent:	Petroleum Fuel and Terminal Company	Facility Name:	Mount Airy Terminal Facility
	c/o C.T. Corporation System	Physical Location:	4084 Louisiana Highway 44
	Agent for Service of Process	City, State, Zip:	Mount Airy, LA 70076
	3867 Plaza Tower Drive	Parish:	St. John the Baptist
	Baton Rouge, LA 70816		

This **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 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the above-mentioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I. The Respondent owns and/or operates a bulk petroleum storage and transfer facility located at 4084 Louisiana Highway 44, in Mount Airy, St. John the Baptist Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0051993 on February 24, 2017, with an effective date of April 1, 2017. LPDES Permit LA0051993 will expire on March 31, 2022. Under the terms and conditions of LPDES Permit LA0051993, the Respondent is permitted to discharge boiler blowdown, process area stormwater runoff, and vacuum truck discharges to an effluent pipe, thence to the Mississippi River; and process area stormwater runoff, fire test water, hydrostatic test water, non-process area stormwater runoff, and vehicle washwater to local drainage, thence to DuPont Canal, and thence to Hope Canal, all waters of the state.

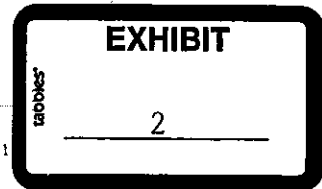
Date of Violation	Description of Violation
Inspection(s) January 5, 2018	The Respondent caused and/or allowed the discharge of oil to waters of the state from a source or location not authorized by a permit. Specifically, according to the Respondent's unauthorized discharge report dated January 10, 2018, on or about January 4, 2018, fuel oil was being loaded onto barges (the Genesis Marine [GM] 5011 and 5012) via a hose. During the loading process, the weight of the materials in the barge(s) lowered the barge(s), putting a strain on the hose. The hose then failed resulting in the release. The Respondent estimated that approximately sixty (60) barrels of fuel oil was released into the Mississippi River and approximately four (4) barrels was released onto the GM 5011. The Respondent's report noted that materials were contained and removed to the extent possible, and docks, vessels, and other structures were cleaned and oil removed. Specific actions that were taken included placing containment booms in the river at various locations and around the dock area; conducting overflights (helicopter and drone) to determine the extent of the release, deploying numerous boats for assessment and clean-up; and conducting cleaning operations at the dock, barges, and affected structures. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D)

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 Ober, Jr. at (225) 219-3135 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. For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.
- V. To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
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HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY

To expedite closure of the **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.

- The Department assesses civil penalties based on LAC 33:1.Subpart 1.Chapter 7.
- 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.
- Before requesting closure of this **NOTICE OF POTENTIAL PENALTY**, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.



Date: 5-7-18

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

cc: Mr. Bernie Sheil
Petroleum Fuel and Terminal Company
Mount Airy Terminal Facility
4084 La. Highway 44
Garyville, Louisiana 70051

Attachment(s)
- Request to Settle

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	WE-PP-18-00088	Contact Name	Richard Ober, Jr.
Agency Interest (AI) No.	32818	Contact Phone No.	(225) 219-3135
Alternate ID No.	LA0051993		
Respondent:	Petroleum Fuel and Terminal Company	Facility Name:	Mount Airy Terminal Facility
	c/o C T Corporation System	Physical Location:	4084 Louisiana Highway 44
	Agent for Service of Process	City, State, Zip:	Mount Airy, LA 70076
	3867 Plaza Tower Drive	Parish:	St. John the Baptist
	Baton Rouge, LA 70816		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1 Subpart 1 Chapter 7.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-18-00088), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-18-00088), 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.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional) = \$ _____
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM**—the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-PP-18-00088) 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
 Post Office Box 4312
 Baton Rouge, LA 70821
 Attn: Richard Ober, Jr.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 31, 2019

CERTIFIED MAIL (7018 0360 0001 5039 0966)
RETURN RECEIPT REQUESTED

PETROLEUM FUEL AND TERMINAL COMPANY
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-00380
AGENCY INTEREST NO. 32818**

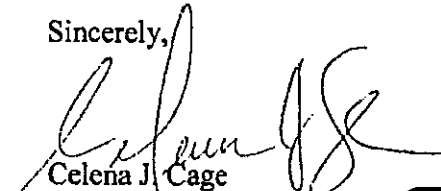
Dear Sir/Madam:

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 **PETROLEUM FUEL AND TERMINAL COMPANY (RESPONDENT)** for the violations described therein.

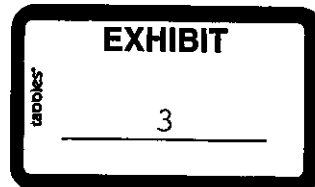
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Cynthia Arrison at (225) 219-3796.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/CLA/ro
Alt ID No. LA0051993
Attachment



c: Petroleum Fuel & Terminal Company
c/o Robert Moreau
4084 Highway 44
Garyville, LA 70051

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

IN THE MATTER OF	*	
	*	
PETROLEUM FUEL AND TERMINAL COMPANY	*	ENFORCEMENT TRACKING NO.
	*	
ST. JOHN THE BAPTIST PARISH	*	
	*	
ALT ID NO. LA0051993	*	MM-CN-19-00380
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	32818
	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **PETROLEUM FUEL AND TERMINAL COMPANY (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 Petroleum Fuel and Terminal Company-Mount Airy Terminal, a bulk liquid petroleum terminal that receives, stores, and distributes petroleum products. The facility is located at 4084 Highway 44 in Mount Airy, St. John the Baptist Parish, Louisiana. The Respondent does not have a permit or other authority from the Department to dispose of solid waste at the site. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0051993 on February 24, 2017, with an effective date of April 1, 2017. LPDES Permit LA0051993 will expire on March 31, 2022. Under the terms and conditions of LPDES Permit LA0051993, the Respondent is permitted to discharge boiler blowdown, process area stormwater runoff, and vacuum truck discharges to an effluent pipe, thence to the Mississippi River; and process area stormwater runoff, fire

test water, hydrostatic test water, non-process area stormwater runoff, and vehicle washwater to local drainage, thence to DuPont Canal, and thence to Hope Canal, all waters of the state.

II.

On or about November 29, 2018, the Department conducted an inspection, in response to multiple citizens' complaints, at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. The Department inspected the asphalt pipeline from Tank # 206 to the marine dock located on the Mississippi River. The inspection revealed multiple leaks from valves and flanges; stained, saturated and dripping absorbent pads; and soil staining next to secondary containment areas. These observations are described in the table below:

OBSERVATION	LOCATION	DESCRIPTION
1	East side of Tank # 221	Asphalt stained soil and liquid asphalt leaking from the valve was observed. The stained soil was black in color and a strong hydrocarbon odor was present (see inspection report Attachment 2, photos 1 and 2).
2	South side of Tank # 206	Asphalt stained soil and liquid asphalt leaking from the petroleum absorbent pad was observed (see inspection report Attachment 2, photo 3).
3	East side of Tank # 206	Liquid asphalt was observed leaking from a 55-gallon drum into secondary containment located at the pump pad. Sheen was observed to be present in the secondary containment, which was full of water and product during the time of the inspection. There was evidence that asphalt had overflowed from the pump pad's secondary containment to the ground (see inspection report Attachment 2, photo 4).
4	South side of Tank # 221	Hydrocarbon staining was observed on soil and asphalt leaking from a pump pad (see inspection report Attachment 2, photos 5 and 6).

OBSERVATION	LOCATION	DESCRIPTION
5	South side of Tank # 221	A pump pad with asphalt staining which has overflowed the secondary containment onto the ground was observed (see inspection report Attachment 2, photos 7 and 8).
6	South side of Tank # 221	Hydrocarbon stained soil was observed (see inspection report Attachment 2, photo 9).
7	Southeast side of Tank # 201	Liquid asphalt was observed leaking from a 55-gallon drum into the secondary containment located at the pump pad. Sheen was observed to be present in the secondary containment which was full of water and product during the time of the inspection (see inspection report Attachment 2, photo 10).
8	Transfer line TK 215 Line C	A leak from the valve stem in between Tank # 214 and Tank # 215 was observed (see inspection report Attachment 2, photo 11).
9	Southeast of Tank # 214	Liquid asphalt was observed leaking from valves and pads within secondary containment located southeast of Tank 214 with stained soil observed in the area outside of secondary containment. The stained soil was black in color and a strong hydrocarbon odor was being emitted (see inspection report Attachment 2, photos 12 and 14).

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent caused and/or allowed the unauthorized disposal of solid waste, in violation of La. R.S. 30:2155, and LAC 33:VII.315.C. Specifically, the deposition of solid waste is described in Observations 3, 4, 6, and 9 of the above table. In a response submitted to the

Department dated June 20, 2019, the Respondent stated that a full-time maintenance manager was hired at the facility in January 2019. The maintenance manager conducts a facility walk-through every morning. Any equipment found leaking is repaired that morning, and any wet material is cleaned up.

- B. The Respondent failed to notify as a generator of solid waste, in violation of LAC 33:VII.501.B.1.a. Specifically, the Respondent generated industrial solid waste, but a solid waste generator notification form has not been submitted to the Department.
- C. The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP) as described in Observations 1-5 and 7-9 of the above table. Additionally, the inspection noted that annual employee training was not conducted as indicated on the SWPPP annual site compliance evaluation report signed by the Compliance Manager on August 31, 2018. The failure to implement the SWPPP is a violation of LPDES Permit LA0051993 (Narrative Requirements N-7 and N-11, pages 5 and 6 of 7 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

III.

A file review conducted on July 17, 2019, revealed that the Respondent failed to comply with LPDES permit LA0051993. Specifically, as reported on the revised Discharge Monitoring Reports (DMRs) submitted on July 3, 2019, the Respondent failed to conduct sampling of the effluent for lead, benzene, and BTEX once prior to discharge in the months of May 2017 and June 2017 for Outfall 001 and quarterly in the second quarter of 2017 for Outfall 003. The failure to sample the effluent for lead, benzene, and BTEX is a violation of LPDES Permit LA0051993 (Effluent Limitations and Monitoring Requirements, page 1 and 3 of 7 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 take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations, and the Water Quality Regulations, including but not limited to reporting all parameter monitoring results on DMRs and properly implementing the SWPPP, as required by the LPDES permit.

II.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a generator notification form to the Office of Environmental Services. The form shall be submitted prior to the initial transport of industrial solid waste off-site. A copy of the generator notification form shall also be submitted to the Enforcement Division.

III.

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: Cynthia Arrison
Re: Enforcement Tracking No. MM-CN-19-00380
Agency Interest No. 32818

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. MM-CN-19-00380
Agency Interest No. 32818

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 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 Cynthia Arrison at (225) 219-3796 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.

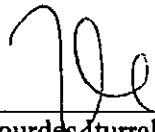
The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement 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 31st day of July, 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: Cynthia Arrison

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.	MM-CN-19-00380	Contact Name	Cynthia Arrison	
Agency Interest (AI) No.	32818	Contact Phone No.	(225) 219-3796	
Alternate ID No.	LA0051993			
Respondent:	PETROLEUM FUEL AND TERMINAL COMPANY	Facility Name:	Petroleum Fuel and Terminal Company-Mount Airy Terminal	
	c/o C T Corporation System	Physical Location:	4084 Highway 44	
	Agent for Service of Process			
	3867 Plaza Tower Drive Baton Rouge, LA 70816	City, State, Zip: Parish:	Mount Airy, Louisiana 70076 St. John the Baptist Parish	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE			Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department in accordance with Paragraphs II of the "Order" portion of the COMPLIANCE ORDER.				
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)				
<i>(check the applicable option)</i>				
_____	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:I.Subpart1.Chapter7.			
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00380), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00380), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 			
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00380) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			

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