

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SOUTHWEST RICE MILL CO., INC.

AI # 176474

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

\* Settlement Tracking No.

\* SA-MM-23-0004

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\* Enforcement Tracking Nos.

\* WE-CN-11-00787

\* WE-CN-11-00787A

\* MM-CN-11-01545

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\* Docket Nos. 2012-5667-EQ

\* 2013-8157-EQ

SETTLEMENT

The following Settlement is hereby agreed to between Southwest Rice Mill Co., 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 rice mill located in Crowley, Acadia Parish, Louisiana (“the Facility”).

II

On June 7, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-11-00787 (Exhibit 1).

On September 12, 2011, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-11-00787A (Exhibit 2).

On February 14, 2012, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-11-01545 (Exhibit 3).

III

In response to the Amended Consolidated Compliance Order & Notice of Potential Penalty and Consolidated Compliance Order & Notice of Potential Penalty, Respondent made timely requests for hearings.

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 SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00), of which One Thousand Sixty and 88/100 Dollars (\$1,060.88) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, Amended Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged

herein for the sole purpose of determining Respondent's compliance history.

## VII

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

## VIII

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

## IX

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

## X

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

**SOUTHWEST RICE MILL CO., 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**  
Roger W. Gingles, 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

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

EDMS  
Cory  
Dawn

June 7, 2011

CERTIFIED MAIL (7003 2260 0001 2747 6610)  
RETURN RECEIPT REQUESTED

Marque Delahoussaye  
P.O. Box 1543  
Crowley, LA 70527

RE: **CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-11-00787  
AGENCY INTEREST NO. 176474**


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 **MARQUE DELAHOUSAYE (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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 Cory Lormand at (225) 219-3135.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/ccl  
Alt ID No. LAU006661  
Attachment



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

IN THE MATTER OF

MARQUE DELAHOUSAYE  
ACADIA PARISH  
ALT ID NO. LAU006661

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

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ENFORCEMENT TRACKING NO.

WE-CN-11-00787

AGENCY INTEREST NO.

176474

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **MARQUE DELAHOUSAYE (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 operates a rice mill located at 1504 West Mill Street in Crowley, Acadia Parish, Louisiana. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit authorization or other authority to discharge wastes and/or other substances to the waters of the state.

II.

An inspection conducted by the Department on or about May 28, 2011, in response to an incident, revealed that the Respondent caused and/or allowed the unauthorized discharge of wastes and/or other substances from an aboveground storage tank located near the rice mill into an unnamed drainage ditch, thence to Bayou Blanc, all waters of the state. During the inspection, it was revealed that

the Respondent hired individuals to clear a nearby drainage ditch during which the tank was damaged causing the release of its contents. The unauthorized discharge is a violation of La. R.S. 30:2075.

III.

An inspection conducted by the Department on or about May 28, 2011, in response to an incident, revealed that the Respondent failed to take prompt remedial action in regards to a spill of wastes and/or other substances from the tank located near the railroad tracks. Specifically, the May 28, 2011, inspection revealed that according to the Respondent, the spill occurred on or about May 26, 2011 or May 27, 2011. During the inspection, the Department observed material on the ground and/or in the receiving stream/tributaries, and activity had not been taken by the Respondent to remediate the spill. According to the best available information to the Department at this time, the Respondent did expend money to remediate the areas affected by the spill, but later exhausted the funds necessary to complete remediation. The site was then federalized by the Environmental Protection Agency (EPA) to complete remediation. The failure to adequately remediate a spill is a violation of La. R.S. 30:2077.

IV.

An inspection conducted on or about May 28, 2011, in response to an incident, revealed that the Respondent failed to make a verbal notification within one (1) hour as required of the aforementioned unauthorized discharge. The failure to notify of an unauthorized discharge that caused an emergency condition is a violation of La. R.S. 30:2076 (A)(3) and LAC 33:1.3915.A.1.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

I.

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

II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act and the Water Quality Regulations.

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 violation(s) and actions taken or to be taken to achieve compliance with the Order



5

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: Cory Lormand**  
**Re: Enforcement Tracking No. WE-CN-11-00787**  
**Agency Interest No. 176474**

**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-11-00787**  
**Agency Interest No. 176474**

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

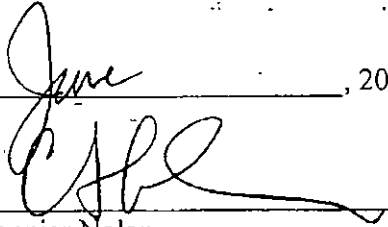
III.

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 07 day of June, 2011.

  
Cheryl Sonnier Nolan  
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: Cory Lormand



BOBBY JINDAL  
GOVERNOR

PEGGY M. HATCH  
SECRETARY

*EDMS  
Copy  
Dawn*

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

September 12, 2011

CERTIFIED MAIL (7004 2510 0005 5753 9665)  
RETURN RECEIPT REQUESTED

**SOUTHWEST RICE MILL CO., INC.**  
c/o F. Marque De La Houssaye  
Registered Agent  
216 N. Eastern Avenue  
Crowley, LA 70526

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-11-00787A  
AGENCY INTEREST NO. 176474**

Dear Mr. De La Houssaye:

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

Any questions concerning this action should be directed to Cory Lormand at (225) 219-3135.

Sincerely,

Ccristina J. Cage  
Administrator  
Enforcement Division

CJC/ccj  
Alt ID No. LAU006661  
Attachment



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

SOUTHWEST RICE MILL CO., INC.  
ACADIA PARISH  
ALT ID NO. LAU006661

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

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ENFORCEMENT TRACKING NO.

WE-CN-11-00787A

AGENCY INTEREST NO.

176474

AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-11-00787** issued to **MARQUE DELAHOUSSAYE** on June 7, 2011, in the above-captioned matter to remove **MARQUE DELAHOUSSAYE** as the Respondent and to replace with **SOUTHWEST RICE MILL CO., INC. (RESPONDENT)**.

I.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-11-00787** and **AGENCY INTEREST NO. 176474** as if reiterated herein.

II.

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

Baton Rouge, Louisiana, this 12 day of September, 2011.



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Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

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

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



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

February 14, 2012

CERTIFIED MAIL (7006 0810 0003 0347 5934)  
RETURN RECEIPT REQUESTED

**SOUTHWEST RICE MILL CO., INC.**  
c/o Mr. F. Marque De La Houssaye  
Agent for Service of Process  
216 North Eastern Avenue  
Crowley, LA 70526

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-11-01545  
AGENCY INTEREST NO. 176474**

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 **SOUTHWEST RICE MILL CO., 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 Craig Easley at (225) 219-3735.

Sincerely,

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

Celena J. Cage  
Administrator  
Enforcement Division

CJC/KCE/kce  
Alt ID No. LAR000074740  
Attachment



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

**IN THE MATTER OF**

**SOUTHWEST RICE MILL CO., INC.  
ACADIA PARISH  
ALT ID NO. LAR000074740**

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

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\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **MM-CN-11-01545**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **176474**  
\*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SOUTHWEST RICE MILL CO., 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), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates a rice mill facility located at 1504 West Mill Street in Crowley, Acadia Parish, Louisiana. The Respondent does not have a permit and/or other authority from the Department to dispose of solid waste at the Respondent's facility and/or properties adjacent to the Respondent's facility.

**II.**

On or about May 28, 2011, the Department received a citizen's complaint concerning spilled hydrocarbons observed in a waterway near the Roller Road Bridge in Crowley, Acadia Parish, Louisiana. On or about May 28, 2011, the Department conducted an inspection in response to the complaint. During the inspection, the Department observed extensive spilled hydrocarbons with a strong



diesel odor floating on the surface of Bayou Blanc. Based on the observations noted during the inspection, the Department mobilized emergency response activities (Incident Nos. T-131413 and T-131413) on or about May 28, 2011.

### III.

During the Department's May 28 - 30, 2011, inspections and interviews of facility employees with knowledge of the incident, it was revealed that the spill of hydrocarbons described in Findings of Fact Paragraph II was the result of a release from an abandoned tank system located on property adjacent to the Respondent's facility. According to statements provided over the course of the inspection by the Respondent's Plant Manager, Mr. Marque Delahoussaye, some of the Respondent's employees were conducting activities on its property and adjacent property to clear a nearby drainage ditch during which a valve on the abandoned tank was struck and damaged in a manner that it allowed the discharge of the tank's contents. This waste discharged from the tank flowed into an adjacent drainage ditch (approximately 15 to 20 feet east of the tank) and from there the waste flowed downstream until eventually entering Bayou Blanc.

### IV.

The Department's May 28 - 30, 2011, inspections and a subsequent file review conducted by the Department on November 29, 2011, revealed the following violations:

- A. The Respondent failed to determine whether solid wastes generated as the direct result of the Respondent's actions/activities were hazardous wastes, as specified in LAC 33:V.1103, in violation of LAC 33:V.108.G.4. Specifically, the Respondent failed to perform waste determinations as specified by LAC 33:V.1103 to determine whether spilled waste hydrocarbons from the tank system described in Findings of Fact Paragraph III and contaminated environmental media were hazardous wastes.
- B. The Respondent caused and/or allowed the deposit of regulated solid waste at the Site including, but not limited to, hydrocarbon spills to unprotected soils to properties adjacent to and offsite from the Respondent's facility without a permit or other authorization, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C.
- C. The Respondent caused and/or allowed the deposit of solid waste in such a manner that it entered the waters of the state, in violation of LAC 33:VII.315.L. Specifically, solid wastes generated as a result of the spill of waste hydrocarbons from the tank system described in

Findings of Fact Paragraph III were the direct result of the Respondent's actions/activities. The Respondent caused and/or allowed these waste hydrocarbons to enter Bayou Blanc.

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, records documenting the remediation effort, including: 1) those actions and activities taken during the response and remediation effort, the volumes and ultimate disposition of recovered hydrocarbons and contaminated environmental media (e.g., waste manifests, landfill receipts, etc.), and the analytical results for any and all environmental sampling.

II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste and Hazardous Waste Regulations.

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: Craig Easley**  
**Re: Enforcement Tracking No. MM-CN-11-01545**  
**Agency Interest No. 176474**

### **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-11-01545**  
**Agency Interest No. 176474**

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 Craig Easley at (225) 219-3735 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

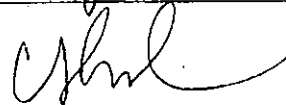
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement 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 14 day of February, 2012.



Cheryl Sonnier Nolan  
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: Craig Easley