

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WEST FRASER, INC.

AI # 2866

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

* **Settlement Tracking No.**
* **SA-AE-25-0037**
*
* **Enforcement Tracking Nos.**
* **AE-PP-18-00536**
* **AE-CN-19-01078**
* **AE-PP-24-00312**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between West Fraser, 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 sawmill located in Joyce, Winn Parish, Louisiana (“the Facility”).

II

On February 1, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-18-00536 (Exhibit 1).

On December 27, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-01078 (Exhibit 2).

On November 12, 2024, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-24-00312 (Exhibit 3).

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

In correspondence dated March 25, 2020, the Respondent submitted the 2019 Title V Second Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 88 of Title V Permit No. 3240-00006-V9 and Specific Requirement 87 of Title V Permit No. 3240-00006-V10, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. La. R.S. 30:2057(A)(2).

In correspondence dated March 25, 2020, the Respondent submitted the 2019 Title V Second Semiannual Monitoring Report. The report disclosed a daily block average opacity in excess of (10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. The failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V9 and V10, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated March 25, 2020, the Respondent submitted the 2019 Title V Second Semiannual Monitoring Report. The Respondent failed to continuously monitor GRP0004/All Wood-Fired Boilers for opacity by continuous opacity monitor (COM) according to procedures in 40 CFR 63.7525(c)(1) through (c)(7) of Subpart DDDDD. This is a violation of Specific Requirement 66 of Title V Air Permit No. 3240-00006-V9, Specific Requirement 65 of Title V Air Permit Nos. 3240-00006-V10, 40 CFR 63.7525(c), which language has been adopted as a Louisiana regulation in

LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated March 25, 2020, the Respondent submitted the 2019 Title V Second Semiannual Monitoring Report. The Respondent failed to monitor GRP0004/All Wood-Fired Boilers for oxygen by oxygen analyzer system continuously (Subpart DDDDD). In violation of Specific Requirement 65 of Title V Air Permit No. 3240-00006-V9, Specific Requirement 64 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

The Respondent failed to operate and maintain the continuous monitoring system (CMS) in accordance with the site-specific monitoring plan. Specifically, in the 2019 Title V Second Semiannual Monitoring Report submitted on March 25, 2020, the Respondent reported deviations of all wood-fired boilers (GRP0004) at steam load #4 failing to operate and maintain the CMS in accordance with the site-specific monitoring plan. These events are violations of Specific Requirement 50 of Title V Air Permit No. 3240-00006-V9, Specific Requirement 49 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7505(d)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 First Title V Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 87 of Title V Permit No. 3240-00006-V10, LAC 33:III.1101.B, LAC

33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V First Semiannual Monitoring Report. The report disclosed daily block average opacities in excess of ten (10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. Each failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V10, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V First Semiannual Monitoring Report. The Respondent failed to monitor GRP0004 oxygen by oxygen analyzer system continuously (Subpart DDDDD). In violation of Specific Requirement 64 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V First Semiannual Monitoring Report. The Respondent failed to monitor CON0004/Electrostatic Precipitator for opacity for three (3) events by continuous opacity monitor (COM) continuously according to procedures in 40 CFR 63.7525(c)(1) through (c)(7) of Subpart DDDDD. This is a violation of Specific Requirement 3 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V Second Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20)

percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 87 of Title V Permit No. 3240-00006-V10, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V Second Semiannual Monitoring Report. The Respondent failed to monitor CON0004/Electrostatic Precipitator for opacity by continuous opacity monitor (COM) continuously according to procedures in 40 CFR 63.7525(c)(1) through (c)(7) of Subpart DDDDD. This is a violation of Specific Requirement 3 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V Second Semiannual Monitoring Report. The Respondent failed to monitor GRP0004 oxygen by oxygen analyzer system continuously (Subpart DDDDD). In violation of Specific Requirement 64 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2020 Title V Second Semiannual Monitoring Report. The report disclosed daily block average opacities in excess of ten (10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. Each failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V10, 40 CFR 63.7500(a)(2), which

language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V First Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 87 of Title V Permit No. 3240-00006-V10, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R. S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V First Semiannual Monitoring Report. The report disclosed daily block average opacities in excess of ten (10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. Each failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V10, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V First Semiannual Monitoring Report. The Respondent failed to monitor CON0004/Electrostatic Precipitator for opacity by continuous opacity monitor (COM) continuously according to procedures in 40 CFR 63.7525(c)(1) through (c)(7) of Subpart DDDDD. This is a violation of Specific Requirement 3 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V First Semiannual Monitoring Report. The Respondent failed to monitor GRP0004 oxygen by oxygen analyzer system continuously (Subpart DDDDD). This is a violation of Specific Requirement 64 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V Second Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 87 of Title V Permit No. 3240-00006-V10 and V11, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V Second Semiannual Monitoring Report. The report disclosed daily block average opacities in excess of ten (10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. Each failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V10 and V11, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V Second Semiannual Monitoring Report. The Respondent failed to monitor CON0004/Electrostatic Precipitator for by continuous opacity monitor (COM) continuously according to procedures in 40

CFR 63.7525(c)(1) through (c)(7) of Subpart DDDDD. This is a violation of Specific Requirement 3 of Title V Air Permit No. 3240-00006-V10 and V11, 40 CFR 63.7525(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2021 Title V Second Semiannual Monitoring Report. The Respondent failed to monitor GRP0004 oxygen by oxygen analyzer system continuously (Subpart DDDDD). In violation of Specific Requirement 64 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2022 Title V First Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 87 of Title V Permit No. 3240-00006-V10 and V11, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2022 Title V First Semiannual Monitoring Report. The report disclosed daily block average opacities in excess of ten (10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. Each failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V11, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La.

R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2022 Title V First Semiannual Monitoring Report. The Respondent failed to monitor CON0004/Electrostatic Precipitator for opacity by continuous opacity monitor (COM) continuously according to procedures in 40 CFR 63.7525(c)(1) through (c)(7) of Subpart DDDDD. This is a violation of Specific Requirement 3 of Title V Air Permit No. 3240-00006-V11, 40 CFR 63.7525(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated June 21, 2023, the Respondent submitted the Revised 2022 Title V First Semiannual Monitoring Report. The Respondent failed to monitor GRP0004 oxygen by oxygen analyzer system continuously (Subpart DDDDD). This is a violation of Specific Requirement 64 of Title V Air Permit No. 3240-00006-V10, 40 CFR 63.7525(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated March 28, 2023, the Respondent submitted the 2022 Title V Second Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 87 of Title V Permit No. 3240-00006-V11, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated March 28, 2023, the Respondent submitted the 2022 Title V Second Semiannual Monitoring Report. The report disclosed daily block average opacities in excess of ten

(10) percent for the Electrostatic Precipitator (ESP), Emission Source CON 0004. Each failure to maintain the daily block average opacity less than or equal to ten (10) percent is a violation of Specific Requirement 1 of Title V Permit No. 3240-00006-V11, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated March 28, 2023, the Respondent submitted the 2022 Title V Second Semiannual Monitoring Report. The Respondent failed to monitor GRP0004 oxygen by oxygen analyzer system continuously (Subpart DDDDD). This is a violation of Specific Requirement 64 of Title V Air Permit No. 3240-00006-V11, 40 CFR 63.7525(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

In correspondence dated August 25, 2023, the Respondent submitted the 2023 Title V First Semiannual Monitoring Report. The report disclosed opacities in excess of twenty (20) percent for more than one six-minute period in any 60 consecutive minutes for the Electrostatic Precipitator (ESP), CON0004. Each failure to maintain opacity below twenty (20) percent for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement 5 of Title V Permit No. 3240-00006-V12, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

The Respondent failed to operate and maintain the CMS in accordance with the site-specific monitoring plan. In correspondence dated August 25, 2023, the Respondent submitted the 2023 Title V First Semiannual Monitoring Report stating the failure to monitor oxygen by oxygen analyzer system continuously (Subpart DDDDD). This is a violation of Specific Requirement 20 of Title V Permit No. 3240-00006-V12, 40 CFR 63.7505(d)(4), which language has been adopted as a

Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$130,000.00), of which Five Thousand One Hundred Seventy-Eight and 74/100 Dollars (\$5,178.74) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act.

VIII

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

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Winn Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If

payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

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

XII

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

WEST FRASER, 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**
Courtney J. Burdette, Secretary

BY: _____
Jerrie "Jerry" Lang, 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: 
Jerrie "Jerry" Lang, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 1, 2019

CERTIFIED MAIL (7014 0510 0002 3595 4110)
RETURN RECEIPT REQUESTED

EXHIBIT

1

WEST FRASER, INC.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-18-00536
AGENCY INTEREST NO. 2866**

Dear Sir:

On or about June 28, 2018, an inspection of the **JOYCE SAWMILL** (the facility), a lumber manufacturing facility, owned and/or operated by **WEST FRASER, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 6481 Louisiana Highway 34 in Joyce, Winn Parish, Louisiana.

The facility operates, or has operated, under air quality permits as shown in Table A:

TABLE A

Title V Permit No.	Permit Issue Date	Permit Expiration Date
3240-00006-V2	July 6, 2010	July 6, 2015
3240-00006-V3	August 16, 2011	July 6, 2015
3240-00006-V4	June 25, 2015	June 25, 2020
3240-00006-V5	June 2, 2016	June 25, 2020
3240-00006-V6	May 26, 2017	June 25, 2020
3240-00006-V7	May 4, 2018	June 25, 2020

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection and subsequent file review conducted on January 10, 2019:

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- A. In correspondence dated September 27, 2017, the Respondent submitted the facility's 2017 First Semiannual Monitoring Report. In correspondence dated March 16, 2018, the Respondent submitted the facility's 2017 Second Semiannual Monitoring Report. The reports disclosed block daily opacities in excess of 10% for the Electrostatic Precipitator (ESP), Emission Source CON 0004, for the dates shown in Table B:

TABLE B

Deviation Began	Deviation Ended	Deviation hours	Opacity > 10%, Cause	Corrective Action
1/17	1/23	168	Wet Fuel	Added dry shavings
1/25	1/27	72		
2/21	2/21	24		
2/26	2/26	24		
3/27	3/29	72		
4/2	4/2	24		
4/4	4/4	24		
4/7	4/7	24		
5/2	5/2	24		
5/7	5/9	72		
5/22	5/23	48		
5/26	5/26	24		
5/30	5/31	48		
6/2	6/3	48		Manage cooling water
6/6	6/10	120		
6/13	6/14	48		
6/23	6/23	24		
6/25	6/26	48		
7/6	7/8	72		None
7/11	7/18	192		
7/21	8/3	336		
8/5	8/8	96		
8/10	8/15	144		
8/17	8/19	72		
8/21	8/25	120		
8/29	9/13	384		
9/16	9/16	24		
9/18	9/18	24		
9/20	9/20	24		
9/22	9/22	24		
9/24	9/30	168		
10/5	10/14	240		
10/17	10/21	120		
10/27	10/28	48		
11/4	11/5	48		
11/8	11/18	264		

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TABLE B

Deviation Began	Deviation Ended	Deviation hours	Opacity > 10%, Cause	Corrective Action
11/20	11/23	96	Wet fuel	None
11/25	11/26	48		
11/28	11/28	24		
11/30	12/24	600		
12/25	12/29	120		
12/30	12/31	48		

Each failure to maintain the daily block average opacity less than or equal to 10% is a violation of Specific Requirement (SR) 1 of Title V Permit No. 3240-00006-V5, SR 1 of Title V Permit No. 3240-00006-V6, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The report further explained that while Boiler No. 1 was out of commission, operational requirements required Boiler No. 4 to operate at maximum capacity, higher than normal operating rates, and that the facility had to purchase outside waste wood fuel which contained higher moisture than the facility typically consumed internally. In correspondence dated February 1, 2018, and June 29, 2018, the Respondent listed steps that would be taken to reduce future opacity exceedances.

- B. In correspondence dated September 27, 2017, the Respondent submitted the facility's 2017 First Semiannual Monitoring Report. The report disclosed opacities in excess of 20% for six-minute periods in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004, for the periods shown in Table C:

TABLE C

Deviation Began	Deviation Ended	Deviation hours	Opacity > 20%, Cause	Corrective Action
1/7	1/7	1.0	Wet Fuel	Added dry shavings
1/18	1/18	1.5		
1/19	1/19	1.0		
1/20	1/20	1.2, 2.2, 6.1, 1.1		
1/20	1/21	13.9		
1/22	1/22	1.0		
3/15	3/15	1.1		
3/27	3/27	1.2		
3/29	3/29	2.1		
4/2	4/2	1.0		
4/4	4/4	1.8, 1.9		
4/20	4/20	2.1		
5/7	5/7	1.4		
5/8	5/8	1.6		

West Fraser, Inc.

AE-PP-18-00536

Page 4

TABLE C

Deviation Began	Deviation Ended	Deviation hours	Opacity > 20%, Cause	Corrective Action
5/8	5/9	1.5	Wet Fuel	Added dry shavings
5/11	5/11	1.0		
5/23	5/23	1.0		
5/26	5/26	1.0		
5/29	5/29	1.0		
5/30	5/30	3.3		
6/5	6/6	15.4, 1.1		Manage cooling water
6/6	6/6	1.0, 1.1		
6/7	6/7	1.0, 1.3		
6/8	6/8	1.0		
6/17	6/18	2.8		
6/23	6/23	2.1		

Each failure to maintain opacity below 20% for six-minute periods in any 60 consecutive minutes is a violation of SR 94 of Title V Permit No. 3240-00006-V5, SR 93 of Title V Permit No. 3240-00006-V6, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The monitoring report further explained that the loss of Boiler No. 1 required Boiler No. 4 to operate at maximum capacity and that the facility had to purchase outside waste wood fuel which contained higher moisture than the facility typically consumed internally. In correspondence dated June 29, 2018, the Respondent listed steps to be taken going forward to reduce future opacity exceedances.

- C. In correspondence dated July 12, 2018, the Respondent submitted the facility's 2017 Annual Criteria Pollutant Emission Inventory and Toxic Emissions Data Inventory. The failure to submit the criteria pollutant emissions inventory by the extended due date of May 18, 2018 is a violation of LAC 33:III.919.F.1.d, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). The failure to submit the toxic emissions inventory data by the extended due date is a violation of LAC 33:III.5107.A, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

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 violations described herein. Written comments may be filed regarding the violations 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.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violations. If you would like to have such a meeting, please contact Mark E. Brown within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

West Fraser, Inc.
AE-PP-18-00536
Page 5

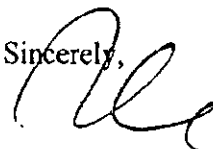
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue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

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.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violations 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 "**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.

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.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/MEB/meb
Alt ID No. 3240-00006

c: West Fraser, Inc.
P O Drawer 1
Joyce, LA 71440

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.	AE-PP-18-00536	Contact Name	Mark E. Brown
Agency Interest (AI) No.	2866	Contact Phone No.	(225) 219-3782
Alternate ID No.	3240-00006		
Respondent:	WEST FRASER, INC.	Facility Name:	Joyce Sawmill
	c/o CT Corporation System	Physical Location:	6841 Louisiana Highway 34
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Joyce, LA 71440
	Baton Rouge, LA 70816	Parish:	Winn

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1 Subpart 1, Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY AE-PP-18-00536, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY AE-PP-18-00536, the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY AE-PP-18-00536 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Mark E. Brown

JOHN BEL EDWARDS
GOVERNOR

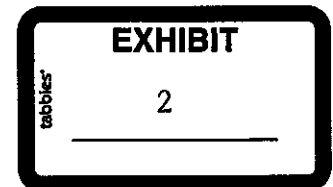


CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 27, 2019

CERTIFIED MAIL (7018 2290 0000 5826 1593)
RETURN RECEIPT REQUESTED



WEST FRASER, INC.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-19-01078
AGENCY INTEREST NO. 2866**

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 **WEST FRASER, INC. (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 Mark E. Brown at (225) 219-3782 or via email at mark.brown@la.gov.

Sincerely,

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

CJC/MEB/meb
Alt ID No. 3240-00006
Attachment

c: West Fraser, Inc.
Mr. Billy Bell, Manager
P. O. Drawer 1
Joyce, LA 71440

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

IN THE MATTER OF

**WEST FRASER, INC.
WINN PARISH
ALT ID NO. 3240-00006**

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

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ENFORCEMENT TRACKING NO.

AE-CN-19-01078

AGENCY INTEREST NO.

2866

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WEST FRASER, 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 the **JOYCE SAWMILL** (the facility), a sawmill, located at 6481 Louisiana Highway 34 in Joyce, Winn Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Air Permits shown in Table A:

TABLE A

Title V Permit No.	Permit Issue Date	Permit Expiration Date
3240-00006-V4	June 25, 2015	June 25, 2020
3240-00006-V5	June 2, 2016	June 25, 2020
3240-00006-V6	May 26, 2017	June 25, 2020
3240-00006-V7	May 4, 2018	June 25, 2020
3240-00006-V8	August 8, 2018	June 25, 2020
3240-00006-V9	October 4, 2018	June 25, 2020
3240-00006-V10	October 2, 2019	June 25, 2020

II.

On or about December 3, 2019, the Department conducted a file review to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. In correspondence dated August 16, 2019, the Respondent submitted revised 2018 Semiannual Monitoring Reports and the 2019 1st Semiannual Monitoring Report. The reports disclosed opacities in excess of 20% for more than one six-minute period in any 60 consecutive minutes for the All Wood-Fired Boilers CAP, Emission Source GRP 0004, for the periods shown in Table B:

Table B

Deviation Began	Deviation Ended	Deviation duration (hours)
1/3/18	1/3/18	0.6
1/4/18	1/4/18	0.4
1/5/18	1/5/18	1.7
1/6/18	1/6/18	0.8
1/7/18	1/7/18	0.3
1/9/18	1/9/18	0.9
1/10/18	1/10/18	0.8
1/11/18	1/11/18	1.0
1/12/18	1/12/18	0.4
1/15/18	1/15/18	0.3
2/12/18	2/12/18	0.2
2/13/18	2/13/18	0.2
2/14/18	2/14/18	0.2
2/15/18	2/15/18	0.2
2/16/18	2/16/18	0.4
2/19/18	2/20/18	0.2
2/20/18	2/20/18	0.2
2/21/18	2/21/18	0.6
2/21/18	2/22/18	0.3
2/22/18	2/22/18	3.2
2/23/18	2/23/18	0.8
2/26/18	2/26/18	3.7
2/27/18	2/27/18	0.8
2/28/18	2/28/18	3.4
3/2/18	3/2/18	1.5
3/3/18	3/3/18	1.4
3/5/18	3/5/18	1.5
3/5/18	3/6/18	0.8
3/6/18	3/6/18	0.8

Deviation Began	Deviation Ended	Deviation duration (hours)
3/7/18	3/7/18	1.0
3/8/18	3/8/18	1.6
3/9/18	3/9/18	0.7
3/10/18	3/10/18	0.2
3/11/18	3/11/18	0.4
3/12/18	3/12/18	2.1
3/13/18	3/13/18	0.4
3/15/18	3/15/18	0.4
3/17/18	3/17/18	1.6
3/20/18	3/20/18	0.2
3/23/18	3/23/18	0.2
3/27/18	3/27/18	0.4
3/28/18	3/28/18	1.2
3/29/18	3/29/18	3.4
3/30/18	3/30/18	0.2
4/1/18	4/1/18	0.4
4/3/18	4/3/18	0.2
4/4/18	4/4/18	0.6
4/6/18	4/6/18	1.9
4/7/18	4/7/18	2.7
4/9/18	4/9/18	0.4
4/10/18	4/10/18	0.5
4/13/18	4/13/18	0.2
4/14/18	4/14/18	0.4
4/16/18	4/16/18	0.2
4/17/18	4/17/18	1.8
4/19/18	4/19/18	1.8
4/20/18	4/20/18	2.0
4/21/18	4/21/18	0.6
4/22/18	4/22/18	2.1
4/26/18	4/26/18	0.4
4/27/18	4/27/18	0.2
5/2/18	5/2/18	0.3
5/3/18	5/3/18	0.3
5/4/18	5/4/18	0.2
5/10/18	5/10/18	0.2
5/12/18	5/12/18	0.2
5/14/18	5/14/18	0.5
5/16/18	5/16/18	0.4
5/17/18	5/17/18	0.2
5/18/18	5/18/18	0.5
5/20/18	5/20/18	0.2
5/21/18	5/21/18	0.5

Deviation Began	Deviation Ended	Deviation duration (hours)
5/26/18	5/26/18	0.4
5/27/18	5/27/18	0.2
5/31/18	5/31/18	0.2
6/3/18	6/4/18	0.5
6/4/18	6/4/18	2.7
6/6/18	6/6/18	0.3
6/7/18	6/7/18	0.6
6/9/18	6/9/18	0.2
6/13/18	6/13/18	0.2
6/14/18	6/14/18	0.3
6/16/18	6/16/18	0.6
6/17/18	6/17/18	0.3
6/20/18	6/20/18	0.2
6/21/18	6/21/18	0.3
6/22/18	6/22/18	0.8
6/24/18	6/24/18	1.6
6/27/18	6/27/18	0.2
6/28/18	6/28/18	1.0
6/30/18	6/30/18	0.3
7/1/18	7/1/18	0.6
7/3/18	7/3/18	0.7
7/3/18	7/4/18	0.5
7/4/18	7/4/18	0.2
7/6/18	7/6/18	1.5
7/9/18	7/9/18	1.0
7/10/18	7/10/18	1.8
7/11/18	7/11/18	2.7
7/12/18	7/12/18	0.4
7/13/18	7/13/18	0.6
7/14/18	7/14/18	0.3
7/15/18	7/15/18	1.8
7/16/18	7/16/18	0.4
7/17/18	7/17/18	0.7
7/18/18	7/18/18	0.5
7/19/18	7/19/18	1.3
7/21/18	7/21/18	0.3
7/21/18	7/22/18	0.3
7/22/18	7/22/18	0.2
7/23/18	7/23/18	3.9
7/27/18	7/27/18	0.6
7/28/18	7/28/18	0.5
7/29/18	7/29/18	0.3
7/30/18	7/30/18	0.3

Deviation Began	Deviation Ended	Deviation duration (hours)
7/31/18	7/31/18	2.1
8/1/18	8/1/18	1.0
8/2/18	8/2/18	1.1
8/3/18	8/3/18	0.3
8/4/18	8/4/18	0.2
8/6/18	8/6/18	1.1
8/7/18	8/7/18	1.0
8/8/18	8/8/18	0.8
8/11/18	8/11/18	0.2
8/12/18	8/12/18	4.5
8/12/18	8/13/18	1.3
8/14/18	8/14/18	0.7
8/15/18	8/15/18	0.5
8/16/18	8/16/18	0.2
8/18/18	8/18/18	0.3
8/19/18	8/19/18	1.1
8/20/18	8/20/18	1.3
8/21/18	8/21/18	0.2
8/22/18	8/22/18	0.2
8/23/18	8/23/18	0.4
8/24/18	8/24/18	0.2
8/26/18	8/26/18	1.0
9/2/18	9/2/18	0.2
9/3/18	9/3/18	3.1
9/3/18	9/4/18	6.9
9/4/18	9/4/18	1.0
9/5/18	9/5/18	1.2
9/6/18	9/6/18	0.2
9/7/18	9/7/18	0.6
9/11/18	9/11/18	1.9
9/11/18	9/12/18	0.2
9/12/18	9/12/18	2.7
9/13/18	9/13/18	3.4
9/16/18	9/16/18	1.5
9/17/18	9/17/18	0.9
9/18/18	9/18/18	2.4
9/19/18	9/19/18	1.5
9/20/18	9/20/18	4.0
9/21/18	9/21/18	5.4
9/22/18	9/22/18	3.1
9/23/18	9/23/18	5.3
9/24/18	9/24/18	2.0
9/25/18	9/25/18	4.6

Deviation Began	Deviation Ended	Deviation duration (hours)
9/25/18	9/26/18	0.5
9/26/18	9/26/18	3.2
9/26/18	9/27/18	3.6
9/27/18	9/27/18	2.2
9/28/18	9/28/18	3.3
9/29/18	9/29/18	3.7
9/30/18	9/30/18	3.0
9/30/18	10/1/18	1.4
10/1/18	10/1/18	5.8
10/1/18	10/2/18	1.5
10/2/18	10/2/18	4.7
10/3/18	10/3/18	2.4
10/4/18	10/4/18	11.1
10/5/18	10/5/18	6.4
10/6/18	10/6/18	3.7
10/6/18	10/7/18	0.3
10/7/18	10/7/18	0.9
10/8/18	10/8/18	4.6
10/9/18	10/9/18	10.7
10/9/18	10/10/18	1.3
10/10/18	10/10/18	6.4
10/10/18	10/11/18	0.6
10/11/18	10/11/18	3.1
10/12/18	10/12/18	0.7
10/13/18	10/13/18	2.8
10/14/18	10/14/18	3.4
10/15/18	10/15/18	5.7
10/16/18	10/16/18	7.1
10/16/18	10/17/18	1.0
10/17/18	10/17/18	3.9
10/18/18	10/18/18	4.7
10/19/18	10/19/18	2.7
10/20/18	10/20/18	0.7
10/20/18	10/21/18	5.6
10/21/18	10/21/18	3.2
10/21/18	10/22/18	5.0
10/22/18	10/22/18	7.6
10/22/18	10/23/18	1.5
10/23/18	10/23/18	4.0
10/24/18	10/24/18	1.7
10/24/18	10/25/18	0.3
10/25/18	10/25/18	4.2
10/25/18	10/26/18	2.5

Deviation Began	Deviation Ended	Deviation duration (hours)
10/26/18	10/26/18	3.0
10/26/18	10/27/18	1.4
10/27/18	10/27/18	4.1
10/28/18	10/28/18	2.5
10/29/18	10/29/18	8.5
10/29/18	10/30/18	3.0
10/30/18	10/30/18	5.4
10/30/18	10/31/18	4.7
10/31/18	10/31/18	16.9
10/31/18	11/1/18	5.8
11/1/18	11/1/18	7.6
11/1/18	11/2/18	5.0
11/2/18	11/2/18	11.9
11/2/18	11/3/18	4.5
11/3/18	11/3/18	13.1
11/4/18	11/4/18	10.7
11/4/18	11/5/18	3.0
11/5/18	11/5/18	16.2
11/5/18	11/6/18	3.0
11/6/18	11/6/18	10.0
11/6/18	11/7/18	4.0
11/7/18	11/7/18	7.9
11/7/18	11/8/18	16.0
11/8/18	11/8/18	12.5
11/9/18	11/9/18	11.3
11/9/18	11/10/18	5.0
11/10/18	11/10/18	8.9
11/10/18	11/11/18	2.0
11/11/18	11/11/18	10.9
11/11/18	11/12/18	4.0
11/12/18	11/12/18	4.0
11/12/18	11/13/18	1.0
11/13/18	11/13/18	11.9
11/13/18	11/14/18	12.2
11/14/18	11/14/18	10.0
11/14/18	11/15/18	6.0
11/15/18	11/15/18	4.0
11/15/18	11/16/18	16.0
11/16/18	11/16/18	13.3
11/16/18	11/17/18	3.0
11/17/18	11/17/18	15.6
11/18/18	11/18/18	11.9
11/18/18	11/19/18	3.0

Deviation Began	Deviation Ended	Deviation duration (hours)
11/19/18	11/19/18	11.9
11/19/18	11/20/18	3.0
11/20/18	11/20/18	12.8
11/20/18	11/21/18	11.6
11/21/18	11/21/18	11.6
11/21/18	11/22/18	1.6
11/22/18	11/22/18	12.4
12/9/18	12/9/18	0.4
12/10/18	12/10/18	1.4
12/11/18	12/11/18	3.0
12/12/18	12/12/18	0.2
12/13/18	12/13/18	0.2
12/14/18	12/14/18	0.2
12/17/18	12/17/18	2.2
12/18/18	12/18/18	1.2
12/19/18	12/19/18	1.1
12/20/18	12/20/18	0.3
12/21/18	12/21/18	0.6
12/25/18	12/25/18	2.3
12/26/18	12/26/18	3.6
12/27/18	12/27/18	1.9
12/28/18	12/28/18	0.9
1/3/19	1/3/19	0.9
1/7/19	1/7/19	3.1
1/9/19	1/9/19	1.1
1/12/19	1/12/19	0.2
1/13/19	1/13/19	1.4
1/23/19	1/23/19	5.1
1/24/19	1/24/19	0.3
1/25/19	1/25/19	0.4
1/28/19	1/28/19	0.2
1/29/19	1/29/19	0.2
1/30/19	1/30/19	0.3
2/4/19	2/4/19	0.6
2/18/19	2/18/19	0.2
2/20/19	2/21/19	0.6
2/21/19	2/21/19	0.5
2/22/19	2/22/19	0.6
2/26/19	2/26/19	0.3
3/5/19	3/5/19	0.3
3/9/19	3/9/19	0.2
3/20/19	3/20/19	0.2
3/21/19	3/21/19	0.3

Deviation Began	Deviation Ended	Deviation duration (hours)
3/24/19	3/24/19	0.5
3/28/19	3/28/19	0.3
3/29/19	3/29/19	0.2
3/31/19	3/31/19	0.5
4/8/19	4/8/19	1.7
4/13/19	4/13/19	0.2
4/15/19	4/15/19	0.2
4/17/19	4/17/19	1.0
4/19/19	4/19/19	0.6
4/22/19	4/22/19	0.5
5/5/19	5/5/19	1.2
5/10/19	5/10/19	2.6
5/10/19	5/11/19	1.3
5/12/19	5/12/19	0.8
5/18/19	5/18/19	1.6
5/28/19	5/28/19	0.2
6/2/19	6/2/19	0.3
6/5/19	6/5/19	0.4

Each failure to maintain opacity below 20% for not more than one (1) six-minute periods in any 60 consecutive minutes is a violation of Specific Requirement (SR) 93 of Title V Permit No. 3240-00006-V6, SR 89 of Title V Permit No. 3240-00006-V7, SR 88 of Title V Permit No. 3240-00006-V8, SR 88 of Title V Permit No. 3240-00006-V9, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. In correspondence dated August 16, 2019, the Respondent submitted revised 2018 Semiannual Monitoring Reports and the 2019 1st Semiannual Monitoring Report. The reports disclosed daily block opacities averages in excess of 10% for the Electrostatic Precipitator (ESP), Emission Source CON 0004, for the periods shown in Table C:

Table C

Deviation Began	Deviation Ended	Deviation duration (hours)
2/22/18	2/23/18	24
2/26/18	3/1/18	72
3/2/18	3/6/18	66
3/7/18	3/8/18	18
3/12/18	3/13/18	24
3/17/18	3/18/18	24
3/29/18	3/30/18	24
4/6/18	4/8/18	48
4/19/18	4/21/18	48
4/22/18	4/23/18	24

Deviation Began	Deviation Ended	Deviation duration (hours)
5/21/18	5/22/18	24
6/4/18	6/5/18	24
6/24/18	6/25/18	24
7/1/18	7/2/18	13
7/10/18	7/16/18	144
7/17/18	7/20/18	72
7/21/18	7/24/18	72
7/31/18	8/9/18	212
8/19/18	8/20/18	24
9/7/18	9/8/18	24
9/16/18	11/24/18	1,510
12/27/18	12/28/18	24
1/23/19	1/24/19	24
4/17/19	4/18/19	12.0

Each failure to maintain the daily block average opacity less than or equal to 10% is a violation of Specific Requirement (SR) 1 of Title V Permit Nos. 3240-00006-V6, 3240-00006-V7, 3240-00006-V8, 3240-00006-V9, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

In correspondence dated April 15, and October 14, 2019, the Respondent submitted to the Department a Compliance Plan to address the opacity violations at the facility. In correspondence dated December 13, 2019, the Respondent stated Boiler #1 will not startup. Based on this information, the milestones contained in the Compliance Plan directly related to Boiler #1 are no longer necessary.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations and applicable permits.

II.

The Department has reviewed the Compliance Plan submitted by the Respondent in correspondence dated April 15 and October 14, 2019, and hereby orders the Respondent to implement the following milestones to achieve compliance:

TABLE D

MILESTONE	DUE DATE
Submit a written report to the Department on the evaluation and recommendations related to improvements of the boilers and kilns	1/31/2020
Implement, install and/or upgrade equipment and/or control systems based on recommendations	6/30/2021

The Respondent shall notify the Department in writing of any changes to the approved compliance schedule within seven (7) days of notice/discovery of failure to meet the due dates.

III.

To submit to the Enforcement Division quarterly progress reports until the completion of the milestones listed in Paragraph II of the Order Portion of this **COMPLIANCE ORDER**. The quarterly progress reports shall include the following information: 1) findings of additional work to be completed; 2) results of the work completed to date, and, 3) any additional modifications that have yet to be identified. Quarterly progress reports shall be submitted to the Department on the last day of the month preceding each quarter.

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: Mark E. Brown
Re: Enforcement Tracking No. AE-CN-19-01078
Agency Interest No. 2866

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-19-01078
Agency Interest No. 2866

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 Mark E. Brown at (225) 219-3782 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 27th day of December, 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 3240-00024
Attention: Mark E. Brown



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

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE

Enforcement Tracking No.	AE-CN-19-01078	Contact Name	Mark E. Brown
Agency Interest (AI) No.	2866	Contact Phone No.	(225) 219-3782
Alternate ID No.	3240-00006		
Respondent:	West Fraser, Inc.	Facility Name:	Joyce Sawmill
	c/o C T Corporation System	Physical Location:	6481 Louisiana Highway 34
	Agent for Service of Process		
	5615 Corporate Blvd., Ste. 400B	City, State, Zip:	Joyce, LA
	Baton Rouge, LA 70816	Parish:	Winn

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 will be submitted to the Department in accordance with Paragraph IV 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)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:11 Subpart 1, Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-19-01078, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	<p>In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-19-01078, 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.</p> <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. <p>The Respondent has reviewed the violations noted in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-19-01078, and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

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

JEFF LANDRY
GOVERNOR

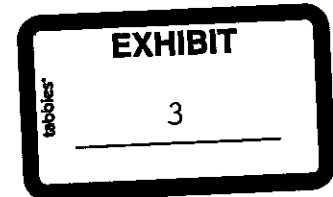


AURELIA S. GIACOMETTO
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

NOV 12 2024

CERTIFIED MAIL (9589 0710 5270 2139 4598 00)
RETURN RECEIPT REQUESTED



WEST FRASER, INC.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-24-00312
AGENCY INTEREST NO. 2866

Dear Sir/Madam:

On or about May 1, 2024 and October 9, 2024, the Louisiana Department of Environmental Quality (the Department) conducted an inspection and subsequent file review of **JOYCE SAWMILL**, a lumber manufacturing facility, owned and/or operated by **WEST FRASER, INC. (RESPONDENT)**, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 6481 Louisiana Highway 34 in Joyce, Winn Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Air Permits and Prevention of Significant Deterioration (PSD) permit shown in Table A:

Permit Number	Issued Date	Expiration Date
3240-00006-V12	March 6, 2023	August 31, 2026
3240-00006-V13	July 12, 2024	August 31, 2026
PSD-LA-701(M-3)	March 6, 2023	N/A

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

- A. The Respondent exceeded twenty percent opacity for more than one (1) six-minute period in any sixty (60) consecutive minutes. Specifically, at the time of the inspection, the Department's inspector reviewed the six-minute opacity

West Fraser, Inc.
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records and alarms records for February through April 2024, shown below in
 Table B.

1.	4/18/2024 12:00-1:00 AM (0.3 hours)	48.773	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
2.		51.084			
3.		43.267			
4.	4/18/2024 2:42-3:24 AM (0.733 hours)	55.800	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
5.		51.366			
6.		51.380			
7.		49.622			
8.		51.663			
9.		50.018			
10.		43.937			
11.	4/18/2024 7:24 – 8:18 AM (0.317 hours)	21.502	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
12.		63.331			
13.		24.433			
14.	4/20/2024 12:00-12:18 AM (0.317 hours)	60.362	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
15.		44.729			
16.	4/20/2024 1:00-2:36 AM (1.067 hours)	27.917	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
17.		48.030			
18.		56.034			
19.		55.025			
20.		51.414			
21.		47.699			
22.		45.444			
23.		46.171			
24.		49.268			
25.		45.500			

West Fraser, Inc.
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26.	4/20/2024 3:00-3:18 AM (0.317 hours)	39.535	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
27.		53.223			
28.		33.112			
29.	4/20/2024 4:12-5:12 AM (0.317 hours)	53.513	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
30.		50.516			
31.	4/20/2024 7:12-8:54 AM (1.8 hours)	27.574	4 / Fuel feeder not feeding	Hoppers 2, 3, and 4 stopped up. Blew them all down, got them feeding again. Caused by a fuel mixture that is heavy in bark.	Inspecting and repairing fuel feeders and hoppers during September 2024 outage.
32.		39.654			
33.		57.906			
34.		26.859			
35.		42.376			
36.		36.657			
37.		40.341			
38.		36.754			
39.		35.239			
40.		27.627			
41.		42.853			
42.		43.788			
43.		30.728			
44.		28.080			
45.	4/20/2024 12:12-12:24 PM (0.317 hours)	71.054	1 / Cleat chain mechanical malfunction/repair	Changes belts on cleat chain.	Normal corrective maintenance, changing belts.
46.		20.545			
47.	4/22/2024 12:00-12:12 PM (0.217 hours)	55.052	15 / Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Short personnel on 4/22/2024 and was unable to maintain full production at kilns so one was paused temporarily until relief arrived.	Kiln paused due to being short on personnel.
48.		32.224			
49.	4/22/2024 1:48-2:00 PM (0.217 hours)	66.223	15 / Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Short personnel on 4/22/2024 and was unable to maintain full production at kilns so one was paused temporarily until relief arrived.	Kiln paused due to being short on personnel.
50.		51.915			

West Fraser, Inc.
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51.	4/25/2024 9:12-10:06 PM (0.85 hours)	54.550	5 / Fuel issue: improperly mixed, high moisture content, lack of adequate fuel substitute	Boiler pile had too much sawdust. Had to adjust boiler settings due to fluctuations in fuel mixture.	Process change, boiler operators responsible for tracking fuel mixture, moisture content, and adjust accordingly.
52.		61.065			
53.		55.549			
54.		56.616			
55.		52.085			
56.		45.105			
57.		36.362			
58.		28.090			
59.	4/29/2024 12:48-1:00 AM (0.733 hours)	47.133	15 / Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Lost power to kilns and communication to kilns from computer screen caused by bad weather event.	N/A
60.		45.278			

Each failure to control the emission of smoke generated by the burning of fuel or combustion of waste material in a combustion unit so that the shade or appearance of the emission is not darker than twenty (20) percent average opacity for not more than one (1) six-minute period in any sixty (60) consecutive minutes is a violation of Specific Requirement 5 of Title V Permit No. 3240-00006-V12, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2). Additionally, the failure to use and/or diligently maintain in proper working order, air pollution control facilities, whenever any emissions are being made which can be controlled by the facilities is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

B. In the 2023 Title V Second Semiannual Monitoring Report, dated March 21, 2024, the Respondent disclosed the following events when the opacity was in excess of twenty (20) percent for more than one six-minute period in any sixty (60) consecutive minutes for the Electrostatic Precipitator (ESP), CON0004, shown in Table C:

1.	7/5/2023 1:36 AM – 2:36 AM	1.1	Fuel feeder not feeding.	Feeder #4 modifications are planned for September boiler outage.
2.	7/7/2023 6:42 AM – 7:00 AM	0.3	Fuel feeder not feeding.	Large piece of fuel caused feeder to stop feeding and back up, cleaned out large fuel piece.
3.	7/10/2023 6:06 PM – 6:18 PM	0.2	Fuel feeder not feeding.	Feeder #4 modifications are planned for September boiler outage.

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4.	7/11/2023 4:06 AM – 4:48 AM	0.3	Fuel feeder not feeding.	Feeder #4 modifications are planned for September boiler outage.
5.	7/20/2023 5:24 PM – 5:42 PM	0.3	Cleat chain malfunction/repair.	Proximity switch was repositioned for better response.
6.	7/22/2023 1:24 AM – 1:36 AM	0.2	Low fuel condition.	Fuel pile bridged in fuel house, had CAT operator mix and unbridge fuel.
7.	7/30/2023 2:36 AM – 2:48 AM	0.1	Fuel feeder not feeding.	Feeder #4 modifications are planned for September boiler outage.
8.	7/30/2023 6:06 AM – 6:24 AM	0.2	Cleat chain malfunction/repair.	Took link out of drive chain. Plan to replace drive chain and sprocket in September outage.
9.	8/21/2023 5:36 PM – 5:48 PM	0.2	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
10.	8/27/2023 5:54 PM – 6:12 PM	0.3	Electrical problems or power outage.	Loss of electrical power to the kilns from the Utility feed.
11.	9/1/2023 6:48 AM – 7:06 AM	0.3	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
12.	9/1/2023 8:48 AM – 10:06 AM	1.2	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
13.	9/1/2023 3:12 PM – 4:06 PM	0.6	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
14.	9/2/2023 7:30 AM – 8:00 AM	0.5	E.S.P. mechanical malfunction/repair	High O2 trip of ESP. Adjusted air balance to bring back in.
15.	9/2/2023 12:06 PM – 12:18 PM	0.2	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
16.	9/2/2023 2:54 PM – 3:48 PM	0.4	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
17.	9/3/2023 11:12 AM – 11:30	0.3	E.S.P. safety shutdown to prevent damage.	Adjusted fuel feed to help bring O2 down.
18.	9/3/2023 4:06 PM – 4:30 PM	0.4	Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Kiln 6 down due to low green inventory, Kiln 4 finished dropping the load on the boiler. Unloaded and reloaded Batch K4.
19.	9/4/2023 2:54 AM – 3:18 AM	0.3	Fuel issue: improperly mixed, high moisture content, lack of adequate fuel substitute.	Working on fuel feeder issues during boiler outage.
20.	9/5/2023 7:24 PM – 8:06 PM	0.1	E.S.P. safety shutdown to prevent damage.	Low voltage trip ESP field 1. Restarted field 1.
21.	9/8/2023 2:36 PM – 2:54 PM	0.3	E.S.P. safety shutdown to prevent damage.	Fan reversal on kilns caused high O2 trip on ESP. Adjusted O2 restarted ESP.
22.	9/9/2023 9:36 AM – 10:18 AM	0.2	Fuel feeder not feeding.	#4 Feeder worked on during September Outage.
23.	9/10/2023 4:06 AM – 4:30 AM	0.4	Fuel issue: improperly mixed, high moisture content, lack of adequate fuel substitute.	Long box bridged. Adjusted floor chain timers.
24.	9/26/2023 5:24 PM – 5:54 PM	0.3	Unknown	Boiler startup from outage.
25.	10/9/2023 9:00 AM – 9:42 AM	0.3	Low fuel condition.	Long box bridged adjusted floor chain timers.

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26.	10/18/2023 2:36 AM – 3:30 AM	0.8	Low fuel condition.	Long box bridged adjusted floor chain timers.
27.	10/25/2023 2:00 AM – 2:30 AM	0.5	Ash system mechanical malfunction/repair.	Classifier stopped up, cleaned out the following morning, Thursday 10/26/2023.
28.	11/7/2023 6:12 AM – 6:30 AM	0.3	Fuel feeder not feeding.	Operator raked the piled fuel to burn out.
29.	11/13/2023 9:06 AM – 9:18 AM	0.2	Cleat chain mechanical malfunction/repair.	Low water condition in the boiler. Adjusted DA pressure to allow condensate to return to enter the DA.
30.	11/13/2023 6:06 PM – 6:18 PM	0.2	Low fuel condition.	Operator pushed up the fuel.
31.	11/18/2023 12:12 AM – 12:42 AM	0.5	Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Kiln maintenance.
32.	11/18/2023 8:30 PM – 9:00 PM	0.5	Feed water pump issues.	Low water condition in the boiler. Adjusted DA pressure to allow condensate to return to enter the DA.
33.	11/28/2023 7:06 AM – 7:18 AM	0.2	Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Had to pause Kiln 6 to change fan belts.
34.	12/9/2023 10:24 AM – 11:00 AM	0.6	Low fuel condition.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.
35.	12/12/2023 2:12 AM – 3:06 AM	0.5	Low fuel condition.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.
36.	12/12/2023 6:24 AM – 6:36 AM	0.2	Low fuel condition.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.
37.	12/15/2023 1:36 AM – 1:48 AM	0.2	Fuel issue: improperly mixed, high moisture content, lack of adequate fuel substitute.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.

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38.	12/15/2023 5:30 AM – 6:30 AM	0.4	Fuel issue: improperly mixed, high moisture content, lack of adequate fuel substitute.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.
39.	12/24/2023 1:42 AM – 1:54 AM	0.2	Low fuel condition.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.
40.	12/24/2023 4:42 PM – 5:42 PM	0.7	Low fuel condition.	Running 3 kilns, having issues with long box bridging trying to keep enough fuel feed for 3 kilns. Will attempt to remove center runner from between the chains during the next boiler outage.
41.	12/30/2023 10:00 AM – 10:18 AM	0.3	Kiln issues (kilns down for maintenance and/or repair, random shutdown of kiln, load change, etc.)	Kiln maintenance.

Each failure to control the emission of smoke generated by the burning of fuel or combustion of waste material in a combustion unit so that the shade or appearance of the emission is not darker than twenty (20) percent average opacity for not more than one (1) six-minute periods in any sixty (60) consecutive minutes is a violation of Specific Requirement 5 of Title V Permit No. 3240-00006-V12, LAC 33:III.1101.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2). Additionally, the failure to use and/or diligently maintain in proper working order, air pollution control facilities, whenever any emissions are being made which can be controlled by the facilities is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

- C. In the 2023 Boiler MACT Semiannual Compliance Report, dated January 31, 2024 and the 2023 Title V Second Semiannual Monitoring Report, dated March 21, 2024, the Respondent reported the failure to operate and maintain the continuous monitoring system (CMS) for McBurney Boiler No. 4/EQT0005 in accordance with the site-specific monitoring plan (SSMP), shown in Table D.

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1.	7/22-23/2023 7:00PM – 10:00 AM	14.85 hours per parameter / Total = 44.55 hours	Parameters: Oxygen, Steam Load #4, and Opacity / Monitor equipment malfunctions/Computer failure or offline.	Facility management is developing a startup procedure for boiler operators, and will provide training on the startup procedures for new hires and semiannually. Management is also considering moving CEMDAS monitoring system closer to other operating monitors. Installed new CEMS system and software 8/17/2023.
2.	7/23-24/2023 11:00 AM – 9:00 AM	21.7 hours per parameter / Total = 65.1 hours	Parameters: Oxygen, Steam Load #4, and Opacity / Monitor equipment malfunctions/Computer failure or offline.	Facility management is developing a startup procedure for boiler operators, and will provide training on the startup procedures for new hires and semiannually. Management is also considering moving CEMDAS monitoring system closer to other operating monitors. Installed new CEMS system and software 8/17/2023.

Each failure to operate and maintain the CMS in accordance with the SSMP is a violation of Specific Requirement 20 of Title V Permit No. 3240-00006-V12, 40 CFR 63.7505(d)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- D. In the 2023 Boiler MACT Semiannual Compliance Report, dated January 31, 2024 and the 2023 Title V Second Semiannual Monitoring Report, dated March 21, 2024, the Respondent reported the failure to maintain the 30-day rolling average oxygen content of McBurney Boiler No. 4/EQT0005, at or above the lowest hourly average oxygen level recorded during the most recent boiler performance test according to the requirements in 40 CFR 63 Subpart DDDDD Table 8, shown in Table E.

1.	10/13/2023 12:00 AM – 11:00 PM	16.8	Maintain <8.3% Oxygen/ Fan and/or Draft control malfunction/Repair	On 11/15/2023 while investigating a report from PPM that our 30-day O2 limit was exceeded, it was discovered that the 30-day O2 alarm set point change didn't take when initially entered in PRISM. The set point was then changed to 8.3 and we took actions to raise the Stack outlet O2 to get the 30-day back in compliance.
2.	10/14/2023 12:00 AM – 11:00 PM	22.5		
3.	10/15/2023 12:00 AM – 11:00 PM	24.0		
4.	10/16/2023 12:00 AM – 11:00 PM	4.0		
5.	10/18/2023 12:00 AM – 11:00 PM	12.6		
6.	10/19/2023 12:00 AM – 11:00 PM	13.6		
7.	10/20/2023 12:00 AM – 11:00 PM	21.1		
8.	10/21/2023 12:00 AM – 11:00 PM	17.5		

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9.	10/22/2023 12:00 AM – 11:00 PM	22.4	
10.	10/23/2023 12:00 AM – 11:00 PM	6.4	
11.	10/24/2023 12:00 AM – 11:00 PM	10.4	
12.	10/25/2023 12:00 AM – 11:00 PM	20.3	
13.	10/26/2023 12:00 AM – 11:00 PM	23.3	
14.	10/27/2023 12:00 AM – 11:00 PM	23.2	
15.	10/28/2023 12:00 AM – 11:00 PM	22.7	
16.	10/29/2023 12:00 AM – 11:00 PM	23.7	
17.	10/30/2023 12:00 AM – 11:00 PM	9.9	
18.	10/31/2023 12:00 AM – 11:00 PM	3.1	
19.	11/1/2023 12:00 AM – 11:00 PM	12.0	<p>Maintain <8.3% Oxygen/ Fan and/or Draft control malfunction/Repair</p> <p>On 11/15/2023 while investigating a report from PPM that our 30-day O2 limit was exceeded, it was discovered that the 30-day O2 alarm set point change didn't take when initially entered in PRISM. The set point was then changed to 8.3 and we took actions to raise the Stack outlet O2 to get the 30-day back in compliance.</p>
20.	11/2/2023 12:00 AM – 11:00 PM	15.5	
21.	11/3/2023 12:00 AM – 11:00 PM	16.1	
22.	11/4/2023 12:00 AM – 11:00 PM	16.4	
23.	11/5/2023 12:00 AM – 11:00 PM	13.2	
24.	11/6/2023 12:00 AM – 11:00 PM	13.3	
25.	11/7/2023 12:00 AM – 11:00 PM	19.9	
26.	11/8/2023 12:00 AM – 11:00 PM	21.4	
27.	11/9/2023 12:00 AM – 11:00 PM	21.5	
28.	11/10/2023 12:00 AM – 11:00 PM	20.2	
29.	11/11/2023 12:00 AM – 11:00 PM	20.9	
30.	11/12/2023 12:00 AM – 11:00 PM	17.3	
31.	11/13/2023 12:00 AM – 11:00 PM	10.9	

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32.	11/14/2023 12:00 AM – 11:00 PM	3.8		
33.	11/15/2023 12:00 AM – 11:00 PM	0.6		

Each failure to maintain the 30-day rolling average oxygen content at or above the lowest hourly average oxygen level recorded during the most recent boiler performance test is a violation of Specific Requirement 15 of Title V Air Permit No. 3240-00006-V12, 40 CFR 63.7500(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Courtney Tolbert at 225-219-3347 or Courtney.Tolbert@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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

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.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **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 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 "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt

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of this **NOTICE OF POTENTIAL PENALTY**. 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.

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.

Sincerely,



Jerry Lang
Assistant Secretary
Office of Environmental Compliance

JL/CJT/cjt
Alt ID No. LA0000002212700006

c: West Fraser, Inc.
c/o Wayne Duperron, General Manager
PO Drawer 1
Joyce, LA 71440

**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.	AE-PP-24-00312	Contact Name	Courtney Tolbert
Agency Interest (AI) No.	2886	Contact Phone No.	225-219-3347
Alternate ID No.	LA0000002212700006		
Respondent:	West Fraser, Inc.	Facility Name:	Joyce Sawmill
	c/o C.T. Corporation System	Physical Location:	6481 Louisiana Highway 34
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	Joyce, LA 71440
	Baton Rouge, LA 70816	Parish:	Winn

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-24-00312), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (AE-PP-24-00312).
<input type="checkbox"/>	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-24-00312), 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.</p> <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. <p>The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-24-00312) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Courtney Tolbert

WHAT IS A SETTLEMENT AGREEMENT?

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

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

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

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

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

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

Degree of Risk to Human Health or Property

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

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

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

Nature and Gravity of the Violation

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

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

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

The range is adjusted using the following violator specific factors:

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



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

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

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

WHAT IS A BEP?

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

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

WHAT HAPPENS IF MY OFFER IS REJECTED?

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

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

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

