

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

\* Settlement Tracking No.  
\* SA-AE-07-0035

AMITE FOUNDRY AND MACHINE, INC.

\*  
\* Enforcement Tracking No.  
\* AE-PP-07-0049

AI # 2093

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

\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Amite Foundry And Machine, 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 who operates a steel foundry facility located at Amite, Tangipahoa Parish, Louisiana ("the Facility").

II

On May 29, 2007, the Department issued a Notice of Potential Penalty, Enforcement No. AE-PP-07-0049, to Respondent, which was based upon the following findings of fact:

On or about April 26, 2007, a file review of Amite Foundry and Machine, Inc. owned and/or operated by Amite Foundry and Machine, Inc. was performed to determine the degree of compliance with the Louisiana Environmental Quality Act and the Air Quality Regulations. The

facility is located at 13040 Foulks Lane in Amite, Tangipahoa Parish, Louisiana. The facility currently operates under Title V Permit No. 2840-00032-V1, issued on April 25, 2007.

The following violations were noted during the course of the file review:

- A. According to a letter from the Respondent dated March 30, 2007, the facility exceeded the permitted 20,000 tons per year of steel production limit. Additional information submitted via an email dated April 16, 2007, containing the facility's first quarter of 2007 steel production data showed that the facility exceeded the permitted 20,000 tons per year of steel production during January, February, and March 2007. According to State Only Specific Condition No. 2 of Title V Permit No. 2840-00032-V0, each exceedance of the maximum steel production limit for any twelve consecutive month period is a violation of Title V Permit No. 2840-00032-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- B. According to a letter from the Respondent dated March 30, 2007, the Respondent began installation of a new sand storage silo and transport system during November 2006. According to the Respondent's letter, one purpose of the new sand silo was to reduce employee exposure to particulate matter. On or about February 6, 2007, the Respondent began operation of the sand storage silo and transport system. The failure to submit a permit application and receive approval from the permitting authority prior to construction, modification, and/or operation of the facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants is in violation of LAC 33:III.501.C.2, and Section 2057(A)(2) of the Act. The Respondent submitted a minor modification permit

application dated March 30, 2007, to include the new sand storage silo. In addition, according to the Respondent's March 30, 2007 letter, the Respondent voluntarily re-routed vents from the process back to the original emission point.

### 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 THOUSAND AND NO/100 DOLLARS (\$1,000.00), of which Three Hundred Seventy-one and 29/100 Dollars (\$371.29) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ 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), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VI

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

## VII

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

## VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Tangipahoa Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the

Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

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

XI

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

**AMITE FOUNDRY AND MACHINE, INC.**

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

\_\_\_\_\_  
(Print)

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

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

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

\_\_\_\_\_  
(Print)

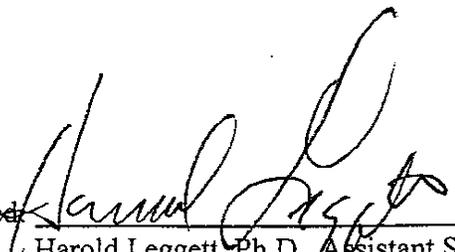
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Mike D. McDaniel, Ph.D., Secretary

BY: \_\_\_\_\_  
Harold Leggett, Ph.D., 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 # \_\_\_\_\_)

\_\_\_\_\_  
(Print)

Approved:   
\_\_\_\_\_  
Harold Leggett, Ph.D., Assistant Secretary



# SETTLEMENT PAYMENT FORM

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

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

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

**Respondent:** AMITE FOUNDRY AND MACHINE, INC.

**Settlement No:** SA-AE-07-0035

**Enforcement Tracking No(s):** AE-PP-07-0049

**Payment Amount:** \$1,000.00

**AI Number:** 2093

**Alternate ID No(s):**

**TEMPO Activity Number:**

<b>For Official Use Only. Do Not write in this Section.</b>	
Check Number:	Check Date:
Check Amount:	Received Date:
PIV Number:	PIV Date:
Stamp "Paid" in the box to the right and initial.	
Route Completed form to:	
Peggy Hatch, Administrator Enforcement Division	
And copy Ted R. Broyles, II, Legal Division	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



7004 1160 0000 3797 8153  
7004 1160 0000 3797 8153

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*  
For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**OFFICIAL USE**

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark Here

**Megan Terrell**  
**Asst. Attorney General**  
**1885 N. 3rd St, Baton Rouge, LA 70802**

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
**Megan Terrell**  
**Asst. Attorney General**  
**1885 N. 3rd St,**  
**Baton Rouge, LA 70802**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7004 1160 0000 3797 8153**  
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540