

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ARCELORMITTAL LAPLACE, LLC

AI # 3401

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

* Settlement Tracking No.
* SA-AE-13-0041
*
* Enforcement Tracking No.
* AE-PP-12-00662
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SETTLEMENT

The following Settlement is hereby agreed to between ArcelorMittal LaPlace, LLC (“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 Limited Liability Company that owns and/or operates a steel mill located at 138 Louisiana Highway 3217, near LaPlace, in St. John the Baptist Parish, Louisiana (“the Facility”).

II

On January 23, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-12-00662, which stated the following:

On or about June 27, 2012, a file review of ArcelorMittal LaPlace, LLC (the Facility), owned and/or operated by ArcelorMittal LaPlace, LLC (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 a steel mill, located at 138 Louisiana Highway 3217, near LaPlace in St. John the Baptist Parish, Louisiana. The facility previously operated under Title V Permit No. 2580-00017-V0, issued on or about March 27, 2006, and Title V Permit No. 2580-00017-V1, issued on or about April 9, 2009. The facility currently operates under Title V Permit No. 2580-00017-V2, issued on or about March 27, 2012.

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 file review:

- A. In correspondence dated December 8, 2008, the Respondent submitted the results of stack testing conducted on or about October 6, 2008 for the Primary Dust Collection System, Emission Source 1-77 (EQT003). The results indicated a Particulate Matter (PM₁₀) level of 7.688 pounds per hour (lb/hr) compared to the permit limit of 5.440 lb/hr maximum (max). Title V Permit No. 2580-00017-V1 was issued on or about April 9, 2009, incorporating the higher PM₁₀ permit limit. The failure to maintain PM₁₀ below the permitted level is a violation of Title V Permit No. 2580-00017-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. The Respondent submitted the results of stack testing conducted by the facility in correspondence postmarked as shown in Table A:

TABLE A

Emission Source	Emission Point	Stack Test Date	Postmark Date of Stack Report	Period from test date to report date (Days)
Primary Dust Collection System	EQT003	10/6/2008	12/8/2008	63
Primary Dust Collection System	EQT003	12/9/2008	2/26/2009	79
Secondary Dust Collection System	EQT0006 through EQT0011	9/14/2008 through 11/11/2009	1/22/2010	72
LMF Baghouse*	EQT0005	5/12/2010	7/22/2010**	71

*LMF – Ladle Metallurgical Facility

** Time/Date Stamp (No postmark) (Report dated 7/19/2010)

Each failure to report the results of a stack test within sixty (60) days after the testing is complete is a violation of General Condition VIII of Title V Permit No. 2580-00017-V0, Title V Permit No. 2580-00017-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 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

THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00), of which Five Hundred Sixteen and 73/100 Dollars (\$516.73) represents the Department's enforcement costs, in settlement of the claims set forth in the Notice of Potential Penalty as set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), 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 La. 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 St. John the Baptist 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 an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

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 or her respective party, and to legally bind such party to its terms and conditions.

ARCELORMITTAL LAPLACE, LLC

BY: _____
(Signature)

(Printed)

TITLE: _____

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

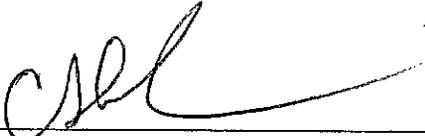
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: _____
Cheryl Sonnier Nolan, 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: 
Cheryl Sonnier Nolan, Assistant Secretary