STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-RE-10-0084
BRADKEN-AMITE, INC.	*	
	*	
AI # 2093	*	Enforcement Tracking No.
	*	RE-CN-10-008
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Bradken-Amite, 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 steel foundry that produces steel castings for sugar mill, automotive, shipping, railroad, and other industries facility located at 13040 Fouks Lane, Amite, Tangipahoa Parish, Louisiana ("the Facility").

II

On July 20, 2010, the Department issued to Respondent a Consolidated Compliance & Notice of Potential Penalty, Enforcement No. RE-CN-10-008, which was based upon the following findings of fact:

The Respondent owns and/or operates a steel foundry that produces steel castings for sugar mill, automotive, shipping, railroad, and other industries. Two electric arc furnaces (EAF) melt scrap into steel that is poured into chemically bound sand cast molds. The castings are

shaken out of the molds, cooled, cleaned by removing sand and shot blasting, dimension checked and quality checked using nondestructive methods (industrial radiography), heat treated to relieve stress and then shipped to customers or routed to the machine shop for machining and painting prior to shipping out to customers. The Respondent currently operates the nondestructive and testing industrial radiographic operation under Radioactive Material License No. LA-7631-L01 issued by the Department on January 27, 2009.

On or about April 9, 2010, an inspection was conducted at the Respondent's main office in order to determine the degree of compliance with the Radiation Protection Regulations and the Act.

The following violation was noted:

> During the course of the inspection, it was noted that the Respondent failed to possess adequate means to transmit information between and among the various components. This is a violation of LAC 33:XV.320.A.2, Radioactive Material License No. LA-7631-L01 Condition No. 11 referencing the Nuclear Regulatory Commission Order Imposing Increased Controls, Principle 2.c. This is a repeat violation from the Department's previous inspection conducted on or about March 31, 2009.

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 FIVE HUNDRED FOURTEEN AND 03/100 DOLLARS ($514.03), of which Three Hundred Thirty-Four and 03/100 Dollars ($334.03) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money

expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance & 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 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 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.

BRADKEN-AMITE, 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
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