STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-16-0006**
FIRESTONE POLYMERS, LLC	*	
	*	**Enforcement Tracking No.**
AI # 1244	*	**WE-CN-13-00773**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2015-0270-EQ**
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Firestone Polymers, 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 synthetic rubber manufacturing facility located in Sulphur, Calcasieu Parish, Louisiana ("the Facility").

II

On November 4, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-00773, which was based upon the following findings of fact:

"The Respondent owns and/or operates a synthetic rubber manufacturing facility which is located at 1801 La. Highway 108 East in Sulphur, Calcasieu Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0003824 on May 24, 2006, with an effective date of July 1, 2006, and an expiration date of June 30, 2011. The

Respondent submitted a permit renewal application for LPDES permit LA0003824 to the Department on December 29, 2010, and LPDES permit LA0003824 was administratively continued. The Department reissued LPDES permit LA0003824 on October 30, 2012, with an effective date of December 1, 2012, and an expiration date of November 30, 2017. The Department issued a modification to LPDES permit LA0003824 on December 3, 2012. LPDES permit LA0003824 authorizes the Respondent to discharge treated process wastewater, process area stormwater, first flush non-process area stormwater, and treated sanitary wastewater through Outfall 001; and non-process area stormwater, and miscellaneous allowable non-stormwater discharges including, but not limited to, fire water, potable water, condensate, general facility washwaters (without soaps), irrigation water, eye wash and safety shower waters, and ground water/well water through Outfalls 003 and 004 to Bayou D'Inde, thence the Calcasieu River, waters of the state.

An inspection conducted by the Department on or about December 19, 2011, and a subsequent file review conducted by the Department on or about October 24, 2013, revealed that the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized below:

Date	Outfall	Parameter	Permit Limit	Sample Value
06/2008	004Q	pH Maximum	9 SU	9.4 SU
09/2009	001Q	Mercury, total [as Hg] Daily Maximum	.000665 lb/d	.001729 lb/d
11/2009	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	847 lb/d
12/2009	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	1357 lb/d
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	1146 lb/d
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	873 lb/d
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	1246 lb/d
		BOD, 5-day, 20 deg. C Monthly Average	451 lb/d	655 lb/d
		Oxygen demand, chem. [high level] [COD] Daily Maximum	3515 lb/d	3968 lb/d
01/2010	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	998 lb/d
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	923 lb/d

Date	Outfall	Parameter	Permit Limit	Sample Value
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	685 lb/d
02/2010	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	705 lb/d
08/2010	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	1703 lb/d
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	1574 lb/d
		Oxygen demand, chem. [high level] [COD] Daily Maximum	3515 lb/d	3847 lb/d
12/2010	003Q	pH Maximum	9 SU	9.5 SU
02/2011	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	984 lb/d
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	902 lb/d
09/2011	001Q	Mercury, total [as Hg] Daily Maximum	.000665 lb/d	.001236 lb/d
10/2011	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	726 lb/d
		Solids, total suspended Daily Maximum	1272 lb/d	1628 lb/d
12/2011	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	695 lb/d
01/2012	001A	Oil and grease Daily Maximum	312 lb/d	544 lb/d
03/2012	001A	Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	218 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	197 lb/d
		Nitrogen, ammonia total [as N] Monthly Average	92.5 lb/d	121 lb/d
04/2013	001A	Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	215 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	203 lb/d
		Nitrogen, ammonia total [as N]Daily Maximum	185 lb/d	190 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	189 lb/d
		Nitrogen, ammonia total [as N] Monthly Average	92.5 lb/d	155 lb/d
05/2013	001A	Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	213 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	188 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	212 lb/d
		Nitrogen, ammonia total [as N] Monthly Average	92.5 lb/d	157 lb/d
06/2013	001A	Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	292 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	256 lb/d
		Nitrogen, ammonia total [as N] Daily Maximum	185 lb/d	249 lb/d
		Nitrogen, ammonia total [as N] Monthly Average	92.5 lb/d	94 lb/d
08/2013	001A	Temperature Maximum	100˚F	101˚F
		Temperature Maximum	100˚F	101˚F
		Temperature Maximum	100˚F	101˚F
		BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	1561 lb/d
		Nitrogen, ammonia total [as N] Monthly Average	92.5 lb/d	111 lb/d
09/2013	001A	Nitrogen, ammonia total [as N] MonthlyAverage	92.5 lb/d	110 lb/d

Each effluent exceedance is a violation of LPDES permit LA0003824 (Part I, Pages 5, 8, and 9 of 9 prior to December 1, 2012, Part I, Page 2 of 5 after December 1, 2012, and Part III Section A.2), La. R.S. 30:2076(A)(3) and LAC 33:IX.501.A."

The following violations, although not cited in the foregoing enforcement action(s), are

included within the scope of this settlement:

A file review conducted by the Department on or about January 5, 2015, revealed that the Respondent exceeded an effluent limitation. The effluent limitation exceedance, as reported by the Respondent on the DMR and NCR, is summarized below:

Date	Outfall	Parameter	Permit Limit	Sample Value
10/2014	001A	BOD, 5-day, 20 deg. C Daily Maximum	676 lb/d	855 lb/d

The effluent exceedance is a violation of LPDES permit LA0003824 (Part I, Page 2 of 5; and Part III Section A.2), La. R.S. 30:2076(A)(3) and LAC 33:IX.501.A.

A file review conducted by the Department on or about January 5, 2015, revealed that the Respondent failed to sample in accordance with LPDES permit LA0003824. Specifically, the Respondent failed to collect one of the BOD composite samples for Outfall 001A during the month of July 2014. Each failure to sample is a violation of LPDES permit LA0003824 (Part I, Page 2 of 5; and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.J.1.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($8,500.00), of which Six

Hundred Six and 14/100 Dollars ($606.14) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

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

VII

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

VIII

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

IX

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

X

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

XI

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XII

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

XIII

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

FIRESTONE POLYMERS, 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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary