

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

INDUSTRIAL ZEOLITE (US) LIMITED

AI # 1302

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

* Settlement Tracking No.
* SA-AE-06-0015
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* Enforcement Tracking No.
* AE-CN-05-0077
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SETTLEMENT

The following Settlement is hereby agreed to between Industrial Zeolite (US) Limited ("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 owns and/or operates the Meeker Facility, an industrial inorganic chemical manufacturing plant, located at 50 Sugar Mill Road in Lecompte, Rapides Parish, Louisiana (the Facility). The Facility is currently operating under Air Permit No. 2360-00007-02, issued on August 23, 2004.

II

On June 14, 2005, the Department issued to Respondent, a Consolidated Compliance Order & Notice Of Potential Penalty, Enforcement No. AE-CN-05-0077, which was based upon the following findings of fact:

On or about March 15, 2005, a complaint inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. At the time of the inspection, the facility was unable to provide records of weekly visual opacity inspections of the filter vents and dust collectors for the dryer bag houses (Emission Points 5-00, 6-00, and 7-00), or the silo bag house (Emission Point 8-00). Also, there were no records that the filter elements (bags) and dust collectors were inspected every six months to indicate when maintenance may be necessary. Each failure to perform and record visual inspections of the filter vents and dust collectors is a violation of Requirement No. 1 of Air Permit No. 2360-00007-02, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- B. According to a representative, operations of the facility commenced on September 2, 2002. A review of the Department's records for the facility show that the Respondent failed to conduct performance/emissions tests on any two (2) of the facility's three (3) identical boilers (Emission Points 1-00, 2-00, and 3-00) as specified in Requirement No. 5 of Air Permit No. 2360-00007-01. These tests were required within 180 days of initial startup, or within 60 days after reaching normal production levels to demonstrate compliance with nitrogen oxide (NO_x) and carbon monoxide (CO) emission limits set forth by the facility's permit. Each of the Respondent's failures to timely conduct these compliance demonstration tests is a violation of 40 CFR 60.8(a), which language has been adopted as Louisiana regulation in LAC 33:III.3003, Requirement No. 5 of Air Permit No. 2360-00007-02, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- C. According to a representative, operations of the facility commenced on September 2, 2002. A review of the Department's records for the facility show that the Respondent failed to conduct performance/emissions tests to demonstrate compliance with particulate emissions and opacity limits for the three (3) boilers (Emission Points 1-00, 2-00, and 3-00) as specified in Requirement No. 6 of Air Permit No. 2360-00007-01. These tests were required within 180 days of initial startup, or within 60 days after reaching normal production levels to demonstrate compliance with emission limits set forth by the facility's permit. Each of the Respondent's failures to timely conduct these compliance demonstration tests is a violation of 40 CFR 60.8(a), which language has been adopted as Louisiana regulation in LAC 33:III.3003, Requirement No. 6 of Air Permit No. 2360-00007-02, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

III

In response to the Consolidated Compliance Order & Notice Of Potential Penalty, Respondent made a timely request for a hearing. The hearing was denied due to lack of specificity. The Respondent did not appeal this decision.

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 FIFTEEN THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$15,600.00), of which FIVE HUNDRED FORTY-FOUR AND 66/100 DOLLARS (\$544.66) 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).

VI

Respondent further agrees that the Department may consider the inspection report(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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Rapides 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.

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 Darryl Serio, Office of Management and Finance, 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/her respective party, and to legally bind such party to its terms and conditions.

Industrial Zeolite (US) Limited

BY: _____
(Signature)

(Printed or Typed)

TITLE: _____

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

NOTARY PUBLIC (ID # _____)

(Printed or Typed)

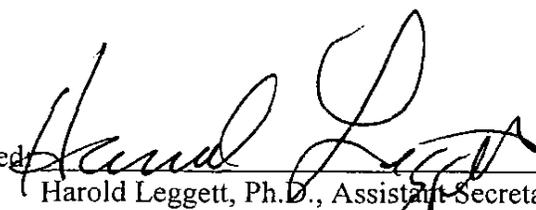
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Mike D. McDaniel, Ph.D., Secretary

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 # _____)

(Printed or Typed)

Approved: 

Harold Leggett, Ph.D., Assistant Secretary