STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-13-0069**
LOUISIANA GENERATING LLC	*	
	*	**Enforcement Tracking No.**
AI # 38867	*	**AE-CN-11-00881**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Louisiana Generating 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 power plant facility located in New Roads, Pointe Coupee Parish, Louisiana ("the Facility").

II

On September 7, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-11-00881, which was based upon the following findings of fact:

The Respondent owns and/or operates Big Cajun II Power Plant facility, located at 9951 Cajun II Road, Louisiana Highway 981 in New Roads, Pointe Coupee Parish, Louisiana (the Facility). The Facility operates or has operated under the authority of the following Title V Air Permits:

UNIT	PERMIT	ISSUE DATE	EXPIRATION DATE
Big Cajun II Power Plant	1260-00012-V0	8/22/2005	8/22/2010
Big Cajun II Power Plant	1260-00012-V1	2/14/11	2/14/16

On or about June 21, 2012, the Department conducted a file review to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits from August 22, 2005 through June 21, 2012. While the review is not complete, the Department noted the violations found in paragraph III of the Findings of Fact portion of this enforcement action.

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 inspection and file review:

A. In electronic correspondence dated April 3, 2012, the Respondent submitted copies of the facility's Opacity Exceedance Events report for the years 2007 through First Quarter 2012, showing opacity exceedances that were not in accordance with the facility's Startup, Shutdown, Malfunction (SSM) Plan for Boiler No. 1, Emission Point 2B1:

EMISSION POINT 2B1 – BOILER NO. 1
2007 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
2/13/07	0306	6	26.95
2/24/07	2236	12	32.15
3/1/07	0206	6	21.20
4/10/07	0918	6	46.15
8/14/07	0718	6	29.01
	0954	6	21.78
8/28/07	1236	6	27.62
	1542	6	28.06
9/29/07	0900	6	27.52

EMISSION POINT 2B1 – BOILER NO. 1 2007 Opacity Exceedance Events			
Date of exceedance	**Date of exceedance**	**Date of exceedance**	**Date of exceedance**
10/3/07	2154	6	21.88
	2206	36	23.76
	2254	6	20.59
10/22/07	1236	6	25.20
10/26/07	0512	6	20.97
11/16/07	1324	18	26.36
12/15/07	1318	6	29.34

EMISSION POINT 2B1 – BOILER NO. 1
2008 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/2/08	1324	18	57.06
1/3/08	0848	6	38.64
	1342	24	64.56
1/4/08	0624	12	38.75
1/9/08	0748	12	22.49
1/10/08	0912	12	31.12
1/11/08	1006	6	21.95
1/19/08	0424	6	30.66
	0754	6	23.23
1/20/08	0942	6	28.14
1/31/08	1330	6	30.21
2/12/08	1212	12	46.41
2/14/08	0948	6	31.95
2/16/08	0442	6	20.27
2/19/08	1424	6	35.17
2/28/08	0900	6	49.77
3/3/08	1424	12	32.93
3/5/08	1418	6	31.13
3/21/08	0906	6	38.63
3/25/08	0954	6	36.97
4/1/08	1524	12	30.47
5/19/08	0736	24	78.26
6/18/08	1036	12	26.85

EMISSION POINT 2B1 – BOILER NO. 1 2008 Opacity Exceedance Events			
Date of exceedance	**Deviation Began (24 hour)**	**Duration (minutes)**	**Maximum Opacity (%)**
7/31/08	1118	6	20.28
8/1/08	1342	6	34.15
10/7/08	1306	6	32.62
11/14/08	0848	6	27.68
	1106	6	20.77
11/20/08	0900	12	34.89
11/29/08	0442	6	21.01
11/30/08	1948	24	51.16
	2018	12	22.11
12/9/08	2200	6	28.11

EMISSION POINT 2B1 – BOILER NO. 1
2009 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
2/13/09	1354	6	29.70
2/21/09	1806	6	30.83
4/17/09	0518	12	31.67
	0536	6	20.76
5/3/09	1142	6	28.28
5/22/09	1718	6	30.28
5/23/09	1306	6	28.06
5/27/09	1924	12	22.44
6/4/09	1530	6	27.63
7/12/09	1506	6	42.33
7/14/09	1518	6	28.32
7/22/09	1121	6	22.34
8/18/09	0636	24	27.56
	0706	6	28.84
8/21/09	1124	6	31.68
9/3/09	0648	6	27.54
11/30/09	0736	12	27.13
12/5/09	1006	18	23.72
	1330	18	22.80

EMISSION POINT 2B1 – BOILER NO. 1 2009 Opacity Exceedance Events			
Date of exceedance	**Deviation Began (24 hour)**	**Duration (minutes)**	**Maximum Opacity (%)**
12/6/09	0130	30	24.34
	0206	6	35.55
	0218	36	23.19
	0306	54	24.75
	0406	54	23.71
	0506	30	23.21
	0542	12	20.95
	0818	12	24.10
	0848	12	20.61
	0912	12	22.97
	0942	12	22.03
	1036	24	20.99
	1118	6	21.76
	1136	6	20.68
	1148	12	20.32
	1206	18	21.93
	1236	6	20.12
12/9/09	0248	36	29.77
	0330	30	42.85
12/22/09	2306	6	31.05

EMISSION POINT 2B1 – BOILER NO. 1
2010 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/8/10	0730	6	33.72
1/11/10	1030	12	27.56
2/24/10	1018	6	33.49
3/25/10	0636	6	31.39
4/9/10	0312	6	37.28
5/15/10	0918	12	42.13
6/14/10	0206	12	20.87
6/30/10	0318	6	31.72
8/16/10	1112	6	27.98
	1542	12	38.48

EMISSION POINT 2B1 – BOILER NO. 1 2010 Opacity Exceedance Events			
Date of exceedance	**Deviation Began (24 hour)**	**Duration (minutes)**	**Maximum Opacity (%)**
8/17/10	1648	12	26.48
8/22/10	2242	6	28.85
8/28/10	0854	6	25.99
9/6/10	1342	6	30.96
9/14/10	1012	6	28.09
9/14/10	1212	6	33.32
10/14/10	0830	6	27.54
10/27/10	0106	12	26.33
12/15/10	0948	6	30.84
	1230	12	27.13
12/18/10	0454	6	34.51
12/23/10	0736	6	33.01
12/31/10	1454	12	40.91
	1954	6	21.12
	2012	6	21.25
	2030	24	22.52
	2218	12	23.75

EMISSION POINT 2B1 – BOILER NO. 1
2011 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/13/11	0418	6	27.72
1/15/11	1318	6	22.98
1/16/11	0230	6	20.44
	1636	18	27.93
	2248	6	21.49
	2354	6	21.81
1/17/11	0412	6	20.43
	0836	6	21.95
	1730	6	21.07

EMISSION POINT 2B1 – BOILER NO. 1 2011 Opacity Exceedance Events			
Date of exceedance	**Deviation Began (24 hour)**	**Duration (minutes)**	**Maximum Opacity (%)**
1/18/11	0448	6	20.52
	0506	6	20.46
	0518	6	20.03
	0536	6	22.45
	0548	6	20.31
	0618	30	21.92
	0654	6	22.66
	0706	6	22.36
	0830	18	22.12
1/21/11	1724	12	20.69
	1748	6	20.51
1/21/11	2224	6	20.17
	2254	6	20.11
	2306	18	24.42
	2336	30	31.03
1/22/11	0012	12	27.63
2/1/11	1930	6	42.27
2/2/11	0754	6	27.11
2/7/11	1212	6	22.88
Title V Permit No. 1260-00012-V1 effective 2/14/2012			
3/3/11	0448	6	29.24
3/28/11	1512	6	29.46
3/29/11	0536	6	21.35
	1406	6	31.21
3/30/11	0518	6	22.44
	0530	12	23.12
	1742	18	21.17
3/30/11	1954	6	20.92
	2036	6	20.03
	2224	30	24.66
	2318	6	21.11

EMISSION POINT 2B1 – BOILER NO. 1 2011 Opacity Exceedance Events			
Date of exceedance	**Deviation Began (24 hour)**	**Duration (minutes)**	**Maximum Opacity (%)**
3/31/11	0018	6	20.87
	0618	30	23.38
4/5/11	0624	6	30.48
	0642	12	23.28
4/15/11	1430	12	32.18
4/26/11	0312	6	34.22
5/8/11	1012	24	85.31
5/13/11	0948	12	31.22
5/30/11	0612	12	26.59
6/6/11	1406	6	27.33
6/21/11	1430	6	28.05
7/12/11	1448	18	34.89
7/22/11	1100	6	30.26
8/2/11	0930	6	30.47
8/9/11	0436	18	43.15
9/1/11	0424	24	35.25
11/2/11	0512	12	46.00
11/4/11	1554	6	21.44
11/28/11	2306	6	24.84
12/7/11	0442	6	39.96

Each failure to maintain opacity of less than 20% except for one six-minute period per hour of not more than 27% is a violation of Title V Permit No. 1260-00012-V0, Specific Requirement 26 of Title V Permit No. 1260-00012-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

B. In electronic correspondence dated April 3, 2012, the Respondent submitted copies of the facility's Opacity Exceedance Events report for the years 2007 through First Quarter 2012, showing opacity exceedances that were not in accordance with the facility's SSM Plan for Boiler No. 2, Emission Point 2B2:

EMISSION POINT 2B2 – BOILER NO. 2
2007 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/2/07	1306	6	25.76
1/1707	1536	18	29.21
1/18/07	0942	6	20.31
1/19/07	0748	6	21.16
1/22/07	0754	6	27.41
2/3/07	2030	12	62.97
2/18/07	2136	12	53.25
	2154	6	21.15
	2300	6	27.87
2/25/07	2042	18	51.21
3/2/07	0724	6	28.20
3/18/07	19.42	12	84.78
3/19/07	0318	6	29.67
3/25/07	2012	18	60.55
3/31/07	1330	6	26.24
4/8/07	2030	12	68.82
	2048	6	20.40
5/13/07	1824	24	34.23
10/10/07	1254	6	27.03
	1842	6	29.58
10/29/07	0924	12	31.90
12/19/07	1206	1068	89.40
12/20/07	0600	300	51.50
	1106	54	27.63
	1206	54	22.09
12/20/07	1306	54	21.62
	1406	42	22.50
	1812	12	35.77
12/21/07	0942	18	36.37
	1006	66	33.24
	1118	36	22.59
	1206	18	23.47
	1254	18	34.74
	1318	36	34.78
	1742	24	78.87
	1812	6	21.31

EMISSION POINT 2B2 – BOILER NO. 2
2008 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/10/08	0924	6	21.69
2/6/08	2324	6	27.42
2/12/08	1212	6	28.95
	1242	6	20.78
2/19/08	1036	6	29.91
3/2/08	2206	12	54.14
3/3/08	1430	6	27.93
3/13/08	1630	18	72.10
3/26/08	0742	12	21.99
	0954	42	53.26
3/27/08	0654	6	29.97
	1206	36	58.22
5/1/08	0730	6	20.35
5/1/08	0842	12	36.48
	1218	12	30.80
	1236	24	22.26
	1306	6	20.25
5/3/08	0412	6	22.92
6/24/08	1048	12	32.06
	1106	6	20.76
6/28/08	0954	6	25.94
7/6/08	2206	18	75.75
	2230	12	21.84
7/27/08	0824	12	41.76
	0842	6	21.80
8/26/08	0636	6	36.03
8/29/08	2230	48	90.37
9/10/08	1642	12	22.86
	1806	12	22.13
10/4/08	1906	6	28.95
12/16/08	1048	6	26.54
12/21/08	0618	6	20.10
12/23/08	1654	6	20.42
	1724	36	21.42
	1942	6	20.48
	2106	6	20.64

EMISSION POINT 2B2 – BOILER NO. 2
2009 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/1/09	0724	24	24.17
1/23/09	0754	6	23.90
1/29/09	0854	6	21.06
2/2/09	2218	6	29.00
2/9/09	0912	6	37.53
2/10/09	0724	12	43.87
	0748	12	20.75
	0830	6	20.47
2/11/09	0942	12	22.92
2/17/09	0730	6	20.60
2/18/09	1706	6	28.09
2/19/09	0848	6	20.35
2/23/09	1048	12	34.63
	1106	6	20.33
3/2/09	0824	12	33.25
3/3/09	0748	6	27.33
3/11/09	1624	12	31.75
	1642	18	25.54
	1736	6	20.94
	1942	6	20.53
	2006	6	21.44
3/13/09	0524	6	20.22
3/31/09	0412	6	28.53
	0542	12	22.46
3/31/09	0606	12	21.40
	0624	12	24.45
6/8/09	2306	12	32.46
6/9/09	0012	6	21.82
	0824	24	45.71
6/17/09	0654	18	37.21
	0724	6	20.66
6/28/09	1924	6	31.51
7/9/09	23.54	6	23.38
7/10/09	1612	6	20.26
7/13/09	0854	6	27.19
	1148	12	31.54

EMISSION POINT 2B2 – BOILER NO. 2
2009 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
8/9/09	0654	6	22.63
	0706	12	23.40
	0754	6	20.60
	0806	6	22.84
	0830	6	20.49
9/28/09	0812	24	23.11
10/27/09	1112	12	36.79
	1342	6	24.84
10/30/09	2236	12	21.26
	2330	6	21.01
	2348	6	20.18
10/31/09	0018	12	41.42
11/4/09	0136	6	20.22
	0154	6	20.10
	0218	6	20.02
	0236	6	20.37
	0336	6	20.90
	0354	6	20.08
11/4/09	0448	6	20.98
	0512	12	21.47
	0648	6	20.97
	0736	30	41.25
	0812	6	22.09
	0824	36	24.02
	0924	6	21.08
	0936	6	24.18
	0948	6	20.51
	1154	6	20.04
	1306	18	20.64
	1506	6	55.09
	1736	12	20.35
11/6/09	0712	6	23.69
11/11/09	2230	6	22.13

EMISSION POINT 2B2 – BOILER NO. 2
2009 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
12/5/09	0112	6	30.68
	0124	12	23.73
	0212	6	22.36
	0224	6	20.07
	0242	6	20.70
12/8/09	2024	6	22.82

EMISSION POINT 2B2 – BOILER NO. 2
2010 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/11/10	0742	6	28.34
1/18/10	1948	12	35.06
1/20/10	1642	6	27.12
3/7/10	2024	6	61.73
7/22/10	0900	18	34.95
9/28/10	0836	6	23.10
10/11/10	0606	6	23.41
11/25/10	0754	6	26.91
12/8/10	0748	6	27.23
12/11/10	0924	12	30.30
	0942	12	22.91
12/16/10	0754	6	20.27
	1318	6	36.31
	1330	6	20.66
12/17/10	0942	6	22.18
	1036	18	62.52

EMISSION POINT 2B2 – BOILER NO. 2
2011 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/15/11	2000	12	32.73
	2018	12	22.11
	2042	12	21.16
1/15/11	2242	18	31.22

EMISSION POINT 2B2 – BOILER NO. 2 2011 Opacity Exceedance Events			
Title V Permit No. 1260-00012-V1 effective 2/14/2012			
2/16/11	1100	6	32.06
	1130	6	20.81
	1142	6	22.89
3/8/11	1006	6	20.26
3/13/11	1142	6	22.60
3/18/11	0306	12	28.05
5/22/11	0600	6	28.21
5/22/11	0612	12	29.51
	0648	12	27.57
6/12/11	0736	24	25.46
6/14/11	0630	12	24.71
6/16/11	0548	6	20.27
6/21/11	1448	6	22.93
9/22/11	1224	12	39.50
	1248	6	29.51
10/20/11	1224	12	27.17
10/22/11	0148	12	20.34
	0530	6	20.54
11/13/11	1730	6	23.57
11/14/11	0424	6	35.25

Each failure to maintain opacity of less than 20% except for one six-minute period per hour of not more than 27% is a violation of Title V Permit No. 1260-00012-V0, Specific Requirement 88 of Title V Permit No. 1260-00012-V1 LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

C. In electronic correspondence dated April 3, 2012, the Respondent submitted copies of the facility's Opacity Exceedance Events report for the years 2007 through First Quarter 2012, showing opacity exceedances that were not in accordance with the facility's SSM Plan for Boiler No. 3, Emission Point 2B3:

EMISSION POINT 2B3 – BOILER NO. 3

2007 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
3/8/07	1054	6	22.44
4/2/07	0912	12	54.94
4/3/07	1206	6	28.38
4/27/07	2124	6	20.60
	2136	6	20.52
	2148	6	21.32
	2212	12	20.27
	2248	6	21.04
	2324	6	20.59
	2336	6	21.32
	2354	6	22.39
4/28/07	0012	6	21.34
	0024	6	21.84
	0042	6	20.77
	0148	12	20.62
	0218	6	22.12
	0236	6	21.63
	0342	6	22.19
	0354	6	21.27
	0418	6	20.45
	0430	24	21.73
	0512	6	20.25
	0536	12	21.16
	0624	6	20.53
	0718	6	20.27
	0730	6	20.50
	0742	6	20.46
	0754	6	20.09
	0924	6	20.16
	0936	12	22.09
	0954	6	21.13
	1006	6	20.43
	1018	18	21.49
	1042	12	20.61
	1124	12	21.55

EMISSION POINT 2B3 – BOILER NO. 3

2007 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
4/28/07	1142	6	20.86
	1154	6	21.42
	1212	18	21.48
	1324	6	20.46
	1342	18	21.73
	1406	30	22.86
	1536	6	20.19
	1836	78	47.50
	2000	6	30.53
	2012	48	30.27
	2106	54	26.26
	2224	12	20.83
	2242	12	20.56
	2324	36	21.64
4/29/07	0012	42	22.65
	0106	54	22.26
	0206	6	21.06
	0224	36	23.01
	0306	12	22.80
	0342	12	21.36
	0412	6	21.80
	0448	12	21.74
	0518	6	20.03
	0536	24	21.00
	0606	54	21.95
	0706	54	22.07
	0806	6	20.93
	0818	6	21.49
	0830	30	26.09
	0906	54	26.53
	1006	54	24.04
	1106	54	22.68
	1224	12	22.62
	1242	6	21.67
	1254	6	23.24
	1312	6	24.05
	1324	12	20.90

EMISSION POINT 2B3 – BOILER NO. 3

2007 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
4/29/07	1342	6	22.97
	1412	6	23.57
	1424	36	21.49
	1506	54	22.27
	1624	6	20.23
	1718	6	20.42
	1730	6	20.07
	1936	6	21.05
5/1/07	0330	120	83.72
	0536	54	81.66
	1312	6	32.41
5/23/07	0724	6	31.43
5/23/07	1012	6	37.49
6/20/07	0924	6	20.16
	0954	6	22.46
6/25/07	1242	6	29.93
	1254	6	23.12
7/15/07	2118	6	38.64
7/16/07	0712	6	30.86
8/12/07	1854	12	32.85
12/12/07	2354	384	76.24
12/13/07	0624	156	41.18
	0906	54	29.14
	1006	54	25.10
	1106	42	21.62
	1154	6	20.37
	1430	24	28.21
12/14/07	0630	36	86.53
	0724	12	47.84
	0748	108	85.98
	0942	18	26.35
	1006	54	63.62
	1106	18	22.26
	1130	54	56.25
	1230	48	78.66
12/23/07	1118	48	69.20
	1212	60	88.97

EMISSION POINT 2B3 – BOILER NO. 3
2007 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
12/23/07	1318	54	71.43
	1418	30	24.26
	1754	138	75.65
	2018	78	79.97
	2142	12	23.58

EMISSION POINT 2B3 – BOILER NO. 3
2008 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/9/08	2236	30	89.83
1/30/08	0500	30	47.93
2/16/08	0042	6	28.53
	0054	6	22.51
2/16/08	0106	12	22.00
5/20/08	0912	12	23.29
6/2/08	1212	6	40.33
6/20/08	0906	6	31.16
7/1/08	1206	12	44.03
9/10/08	1036	6	46.07
12/5/08	1000	6	29.05
12/9/08	0254	18	80.03

EMISSION POINT 2B3 – BOILER NO. 3
2009 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/1/09	0012	12	39.52
1/11/09	0624	6	25.77
	0636	12	23.63
2/9/09	0748	6	20.12
2/15/09	1042	12	20.37
	1230	6	33.43
2/23/09	0448	12	25.06
2/26/09	0654	6	24.06
3/4/09	0812	12	30.06

EMISSION POINT 2B3 – BOILER NO. 3
2009 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
3/5/09	0736	6	20.45
3/6/09	0742	12	31.01
	0812	12	46.36
3/11/09	0748	6	33.23
	0954	6	36.21
3/30/09	0936	6	28.70
6/17/09	0854	6	33.28

EMISSION POINT 2B3 – BOILER NO. 3
2010 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
3/31/10	0636	6	37.76
5/15/10	0918	6	30.59
6/8/10	0700	6	32.19
7/12/10	0936	12	37.64
8/16/10	1000	6	28.10
8/17/10	1648	6	23.18
8/28/10	2336	12	33.17
8/29/10	0236	6	31.55
9/2/10	1842	6	20.18
9/4/10	1042	18	32.97
	1130	6	20.15
	1148	6	20.13
9/6/10	1342	6	23.06
9/8/10	0954	6	20.19
	1006	6	20.38
9/13/10	0506	6	20.14
9/24/10	1354	6	22.59
9/26/10	0854	6	27.15
	1618	6	20.92
	1648	6	20.13
	1736	24	21.90
9/28/10	0724	18	23.89
	1124	6	20.25
9/29/10	1048	6	20.04

EMISSION POINT 2B3 – BOILER NO. 3
2010 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
9/30/10	1548	6	20.29
12/20/10	0042	18	33.42
	0106	12	23.30
	0700	6	27.78
	0718	6	20.73

EMISSION POINT 2B3 – BOILER NO. 3
2011 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/23/11	0736	24	23.93
	0806	18	22.45
2/8/11	0806	6	22.43
	0818	6	20.93
Title V Permit No. 1260-00012-V1 effective 2/14/2012			
4/20/11	1142	12	25.41
5/5/11	2154	6	22.33
	2218	6	20.66
5/7/11	0900	6	31.96
6/4/11	2054	6	21.21
11/4/11	0742	6	32.33
12/7/11	2312	6	21.22
12/8/11	0012	48	27.28
12/8/11	0106	6	21.03
12/11/11	0718	6	27.99
12/12/11	0736	6	52.21
12/28/11	0542	6	20.10
	0654	6	20.20

EMISSION POINT 2B3 – BOILER NO. 3
First Quarter 2012 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/2/12	1448	6	28.46
1/6/12	1018	12	45.09

EMISSION POINT 2B3 – BOILER NO. 3
First Quarter 2012 Opacity Exceedance Events

Date of exceedance	Deviation Began (24 hour)	Duration (minutes)	Maximum Opacity (%)
1/22/12	1554	6	21.80
	1606	6	21.79
1/25/12	1624	12	25.05
1/26/12	1648	12	21.87
1/27/12	0506	18	25.04
	0536	6	20.12
1/28/12	1806	30	25.73
	1842	6	22.44
1/29/12	0342	18	23.68
	0642	18	21.82
	0730	6	20.40
	0742	6	20.51
	0754	6	22.35
1/29/12	0806	54	26.07
	0906	54	27.43
	1006	24	27.25
	1818	12	26.21
	1836	6	20.14
	1900	6	27.78
1/31/12	0436	24	23.72
	0506	48	37.57
	0600	12	32.06
	0636	6	20.15

Each failure to maintain opacity of less than 20% except for six-minute period per hour of not more than 27% is a violation of Title V Permit No. 1260-00012-V0, Specific Requirement 150 of Title V Permit No. 1260-00012-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 FORTY SIX THOUSAND NINE HUNDRED SIXTY-TWO AND 92/100 DOLLARS ($46,962.92) of which One Thousand Four Hundred Sixty-Two and 92/100 Dollars ($1,462.92) 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 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.

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 Pointe Coupee 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 thirty (30) 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.

LOUISIANA GENERATING 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