STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-14-0028**
PENTAIR PUMP GROUP, INC.	*	
	*	**Enforcement Tracking No.**
AI # 80537	*	**AE-PP-12-00148**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	* * *	

SETTLEMENT

The following Settlement is hereby agreed to between Pentair Flow Technologies, LLC, f/k/a Pentair Pump Group, 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 limited liability company that owns and/or operates a facility located in Denham Springs, Livingston Parish, Louisiana ("the Facility").

II

On March 1, 2013, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. AE-PP-12-00148, which was based upon the following findings of fact:

"On or about September 16, 2010, an inspection of Delta Environmental Products (the facility), owned and/or operated by **PENTAIR PUMP GROUP, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The Department issued Compliance Order AE-C-10-01726 to

the Respondent on December 7, 2011, for the violations noted during the September 16, 2010 inspection. Additionally, the Department conducted a file review for the facility on or about February 4, 2013. The facility is located at 8263 Florida Boulevard in Denham Springs, Livingston Parish, Louisiana. The Respondent currently operates the facility under Title V Air Permit No. 1740-00014-V4 issued on April 1, 2009.

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. The Respondent failed to submit the facility's 2009 first Semiannual Monitoring Report by the specified due date, September 30, 2009. Specifically, the Department received the report postmarked on October 1, 2009. The failure to submit a timely Semiannual Monitoring Report is a violation of Title V Air Permit No. 1740-00014-V4 General Condition K, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

B. The Respondent failed to submit the facility's 2009 first Semiannual Monitoring Report certified by a responsible company official. Specifically, the Department received the report without a signature and date in the "Certification of Truth, Accuracy, and Completeness" section of the report. The Respondent submitted a corrected report to the Department on or about January 16, 2012, in response to Compliance Order AE-C-10-01726 issued on or about December 7, 2011. The failure to submit a Semiannual Monitoring Report with proper certification is a violation of Title V Air Permit No. 1740-00014-V4 General Condition K, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

C. The Respondent failed to submit Semiannual Monitoring Reports clearly identifying all instances of deviations from permitted monitoring requirements and certified by a responsible company official for all monitoring periods from the second semiannual monitoring period of 2009 through the second semiannual monitoring period of 2010. Specifically, the Respondent submitted semiannual reports; however, the reports did not clearly identify if any deviations occurred and the reports did not include a statement of certification of accuracy and/or truth with the signature. The Respondent submitted corrected reports to the Department on or about January 16, 2012, in response to Compliance Order AE-C-10-01726 issued on or about December 7, 2011. Each failure to submit complete Semiannual Monitoring Reports is a violation

of Title V Air Permit No. 1740-00014-V4 General Condition K, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

D. The Respondent failed to submit Annual Certification Statements clearly identifying all instances of deviations from permitted monitoring requirements and certified by a responsible company official for the 2009 and 2010 annual monitoring periods. Specifically, the Respondent submitted a certification statement for 2009; however, the certification statement did not clearly identify if any deviations occurred and the certification statement did not include a statement of certification of accuracy and/or truth with the signature. The Respondent failed to submit a certification statement for 2010. The Respondent submitted corrected reports to the Department on or about January 16, 2012, in response to Compliance Order AE-C-10-01726 issued on or about December 7, 2011. Each failure to submit complete Annual Certification Statements is a violation of Title V Air Permit No. 1740-00014-V4 General Condition M, LAC 33:III.501.C.4, and La. R.S. 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 EIGHT THOUSAND ONE HUNDRED FOURTEEN AND NO/100 DOLLARS ($8,114.00), of which Seven Hundred Fifty-Four and 12/100 Dollars ($754.12) 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), permit record(s), the NOPP 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 Livingston 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.

PENTAIR FLOW TECHNOLOGIES, 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