STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	* Settlement Tracking No.
	* SA-AE-09-0019
STUPP CORPORATION	*
	* Enforcement Tracking No.
AI # 1157	* AE-PP-07-0040
	*
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*

SETTLEMENT

The following Settlement is hereby agreed to between Stupp Corporation ("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 line pipe manufacturing facility located at 12555 Ronaldson Road in Baton Rouge, East Baton Rouge Parish, Louisiana ("the Facility").

II

On July 9, 2007, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-07-0040, which was based upon the following findings of fact:

On or about March 16, 2007, a file review of Stupp Corporation, owned and/or operated by Stupp Corporation (Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 12555 Ronaldson Road in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility

is a steel line pipe manufacturer and operated under Permit No. 0840-00147-04 issued on May 10, 2004, until the issuance of Permit No. 0840-00147-05 on February 15, 2007.

While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violations were noted during the course of the file review:

> The Respondent submitted a Paint Use and Excess Emissions Report dated February 15, 2007 to the Department. The Respondent notified the Department that 1043 gallons of paint were used at the facility's Painting and Hand Stenciling Operations (ARE1 Emissions Point 96-4) during the 2006 calendar year. The permitted paint usage for ARE-1 is 632.5 gallons per year. The following exceedances were reported to the Department:

Pollutant	Permitted Emissions (tons/year)	2006* Actual Emissions (tons/year)
Total VOC	1.44	2.54
EthylBenzene	0.01	0.044
Methyl Ethyl Ketone	0.11	0.234
Toluene	0.10	0.217
Xylene	0.05	0.181

> *Report submitted states 2005. After conversation with a representative from Respondent, the date the respondent was reporting for was 2006.

> Each exceedance of the limits established in Permit No. 0840-00147-04, is a violation of LAC 33:III.501.C.4, Sections 2057(A)(1), and 2057(A)(2) of the Act.

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 SIX HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS ($675.00), of which Four Hundred Sixty-Two and 41/100 Dollars ($462.41) represents 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 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 LSA- 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 East Baton Rouge 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.

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.

STUPP CORPORATION

BY: _____
(Signature)

EDWARD L. SELAN
(Print)

TITLE: PRES.

THUS DONE AND SIGNED in duplicate original before me this 23 day of June, 20 09, at Baton Rouge LA.

_____
NOTARY PUBLIC (ID # 9490)

John Conway Miller
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: _____
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 12th day of October, 20 09, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # 10149)

Christopher A. Ratcliff
(Print)

Approved: _____
Peggy M. Hatch, Assistant Secretary