STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-12-0069**
TRINITY MARINE PRODUCTS, INC.	*	
	*	**Enforcement Tracking No.**
AI # 43634	*	**AE-PP-09-0383**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Trinity Marine Products, 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 corporation that owns and/or operates Trinity Marine Plant 48, located in Brusly, West Baton Rouge Parish, Louisiana ("the Facility").

II

On December 8, 2009, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. AE-PP-09-0383 which was based upon the following findings of fact:

On or about May 26, 2009, a file review of **TRINITY MARINE PLANT 48**, owned and/or operated by **TRINITY MARINE PRODUCTS, INC. (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 7555 Choctaw Road in Brusly, West Baton Rouge Parish, Louisiana. The facility currently operates under Title V Permit No. 3120-00071-V3, issued

on or about January 30, 2009. Prior to that date, the facility operated under Title V Permit No. 3120-00071-V2, issued on or about April 29, 2005.

The following violations were noted during the course of the inspection and file review:

A. In correspondence dated December 19, 2008, the Respondent reported that an internal audit revealed that the facility had exceeded the permit limit for the emission of xylene, a Toxic Air Pollutant (TAP). The permit limit for emission of xylene at the time of the report was ten (10.00) tons per year (tpy). The Respondent provided, by electronic correspondence on or about October 19, 2009, the twelve month rolling total emissions of xylene for the facility:

12 consecutive months ending	Xylene emission, tons (Permit Limit 10.00 tpy)
11/30/08	10.17
12/31/08	10.81
1/31/09	11.31

Each failure to restrict the emission of xylene below 10.00 tons per 12 months is a violation of Specific Requirement 71 of Title V Permit No. 3120-00071-V2, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

B. The facility's 2008 Second Semiannual Monitoring Report, for the period encompassing July 1, 2008 through December 31, 2008, reported that the facility exceeded the permit limits for cumene, a TAP. The permit limit for emission of cumene at the time of the report was 0.001 tpy, 2.00 pounds per year (lbs/yr). The Respondent provided, by electronic correspondence on or about October 19, 2009, the twelve month rolling total emissions of for the facility:

12 consecutive months ending	Cumene emission, lbs. (Permit Limit 2.00 lbs/yr)
5/31/08	109.76
6/30/08	203.66
7/31/08	312.80

12 consecutive months ending	Cumene emission, lbs. (Permit Limit 2.00 lbs/yr)
8/31/08	428.06
9/30/08	486.78
10/31/08	602.84
11/30/08	691.25
12/31/08	776.92
1/31/09	847.94

Each failure to restrict the emission of cumene below the permit limit of 2.0 lbs per 12 months is a violation of Specific Requirement 56 of Title V Permit No. 3120-00071-V2, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

C. The facility's 2008 Second Semiannual Monitoring Report, for the period encompassing July 1, 2008 through December 31, 2008, reported that the facility exceeded the permit limits for formaldehyde, a TAP. The permit limit for emission of formaldehyde at the time of the report was 0.004 tpy, 8.00 lbs/yr. The Respondent provided, by electronic correspondence on or about October 19, 2009, the twelve month rolling total emissions of formaldehyde for the facility:

12 months ending	Formaldehyde emission, lbs (Permit Limit 8.00 lbs/yr)
5/31/08	24.55
6/30/08	38.32
7/31/08	54.22
8/31/08	71.49
9/30/08	80.21
10/31/08	97.50
11/30/08	110.71
12/31/08	123.56
1/31/09	134.22

Each failure to restrict the emission of formaldehyde to below the permit limit of 8.00 lbs per 12 months is a violation of Specific Requirement 58 of Title V Permit No. 3120-00071-V2, LAC 33:III.501.C.4 and 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 SIX THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($6,500.00), of which Five Hundred Thirty-Two and 08/100 Dollars ($532.08) 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 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 West 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 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.

TRINITY MARINE PRODUCTS, INC.

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