STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-16-0030**
WADLEIGH INDUSTRIES, INC.	*	
	*	**Enforcement Tracking No.**
AI # 52386	*	**WE-CN-14-01168**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	* * *	

SETTLEMENT

The following Settlement is hereby agreed to between Wadleigh Industries, 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 a crane repair facility located in St. Tammany Parish, Louisiana ("the Facility").

II

On March 11, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-01168, which was based upon the following findings of fact:

"The Respondent owns and/or operates a crane repair facility located at 37015 and 37031 Brownsvillage Road, Slidell, St. Tammany Parish, Louisiana. Under the terms and conditions of LPDES Permit LA0109495, the Respondent is permitted to discharge treated sanitary wastewater,

equipment washwater, and stormwater runoff into local drainage to Bayou Vincent (Subsegment 040907), all waters of the state.

An inspection and file review that took place on September 24, 2014 and December 16, 2014 revealed the Respondent failed to comply with LPDES permit LA0109495. Specifically, between June 2011 and September 2014, the Respondent reported exceedences of permit effluent limitations for oil and grease, BOD_5, TSS, fecal coliform, COD, and total organic carbon [see attachment ***Table I***]. (LA0109495 (Effluent Limitations and Monitoring Requirements (Pages 1 through 7) and Standard Conditions, Section A.2), La.R.S. 30:2076(A)(3), and LAC 33:IX.501.A).

A file review that took place on December 16, 2014 revealed the Respondent failed to comply with LPDES permit LA0109495. Specifically, the Respondent failed to report sample values for oil and grease visual on quarterly and semiannual Discharge Monitoring Reports (DMRs) for Outfalls 003 and 201 from January 2011 to September 2014. (LA0109495 (Effluent Limitations and Monitoring Requirements (Pages 2, 6, and 7 of 7) and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a).

A file review that took place on December 16, 2014 revealed the Respondent failed to sample the effluent from Outfall 002 on a semiannual basis and Outfall 001 on a quarterly basis as required by LPDES Permit LA0109495. Specifically, the Respondent failed to sample the effluent from Outfall 002 for all parameters in June 2012. The Respondent also failed to sample the effluent from Outfall 001 for all parameters in March 2013. (LA0109495 (Effluent Limitations and Monitoring Requirements (Pages 3 through 5 of 7) and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A).

A file review that took place on December 16, 2014 revealed the Respondent failed to sign DMRs in accordance with LPDES Permit LA0109495. Specifically, the Respondent failed to sign

the DMR for Outfall 003 in September 2011. (LA0109495 (Standard Conditions, Section A.2 and Section D.10), La. R.S. 30:2076(A)(3), and LAC 33:IX.2503.B).

An inspection that took place on September 24, 2014 revealed the Respondent failed to comply with LPDES permit LA0109495. Specifically, the Respondent failed to conduct annual inspections of the site from 2009 to 2013 in accordance with the facility's Stormwater Pollution Prevention Plan (SWP[3]) and LPDES permit LA0109495. The Respondent submitted a copy of the 2014 annual inspection report on or about January 7, 2015. (LA0109495 (Part I, Narrative Requirements, Condition T-9, Page 2 of 8 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)."

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 ELEVEN THOUSAND AND NO/100 DOLLARS ($11,000.00), of which Seven Hundred Seventeen and 21/100 Dollars ($717.21) 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 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

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Tammany Parish, Louisiana. The advertisement, in form and wording 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.

X

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).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

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.

WADLEIGH INDUSTRIES, 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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary