STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-15-0015**
WINN LUMBER COMPANY, LLC	*	
	*	**Enforcement Tracking No.**
AI # 85068	*	**AE-PP-13-00296**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Winn Lumber Company, 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 facility located in Winnfield, Winn Parish, Louisiana ("the Facility").

II

On August 13, 2014, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. AE-PP-13-00296, which was based upon the following findings of fact:

"On or about December 13, 2013, a file review of the **WINNFIELD SAWMILL** (the Facility), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility was formerly owned and/or operated by **PBS LUMBER MANUFACTURING, LLC.** The facility was purchased by **WINN LUMBER COMPANY, LLC** on or about February 15, 2013, and is owned and/or operated by

WINN LUMBER COMPANY, LLC (RESPONDENT). In correspondence signed March 19, 2013, the Respondent submitted a Notification of Change Form (NOC-1). Under "Responsibility for all existing violations", the NOC-1 form lists Drum Lumber Holding LLC. The facility is located at 229 Thomas Mill Road in Winnfield, Winn Parish, Louisiana. The facility operates, or has operated, under the Title V Air Permits shown in Table A:

TABLE A

Permit No.	Permit Issue Date	Permit Expiration Date
3240-00024-V1	October 1, 2005	December 1, 2008*
3240-00024-00	May 8, 2009	-
3240-00024-V2	January 28, 2011	January 28, 2016
3240-00024-V3	July 7, 2014	January 28, 2016

*Permit No. 3240-00024-V1 expired without renewal. That violation was addressed in Enforcement Action AE-CN-07-0161, issued on or about December 19, 2007

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations where noted during the course of the review:

A. In correspondence dated February 26, 2013, Winn Lumber Company LLC, submitted the results of emission testing conducted on or about November 29, 2012 for two wood-fired boilers, owned/operated at the time of testing by PBS Lumber Manufacturing, LLC. Exceedances of the permit, in pounds per hour (lb/hr) are shown in Table B:

TABLE B

Emission Source	Pollutant	Permit Limit, lb/hr	Emission Test, lb/hr
Hybrid Boiler #2 (EQT0002)	PM_{10}	1.81	**5.94**
Hybrid Boiler #3 (EQT0003)	PM_{10}	1.81	**5.04**

Each failure to maintain PM_{10} below the permitted level is a violation of Title V Permit No. 3240-00024-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). An application dated April 16, 2013 was submitted to the Department to modify the permit to incorporate the results of this emission testing.

B. In correspondence dated February 26, 2013, Winn Lumber Company, LLC submitted the results of emission testing conducted on or about November 29 – 30, 2012 for two wood-fired boilers, owned/operated at the time of testing by PBS Lumber Manufacturing, LLC. The report was submitted 89 days following the test date. The failure to report the results of emission testing within 60 days of the testing is a violation of Louisiana General Condition VIII of Title V Permit No. 3240-00024-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

C. In correspondence dated April 16, 2013, Winn Lumber Company, LLC submitted an application to modify Title V Permit No. 3240-00024-V2 to incorporate the results of emission testing conducted on or about November 29 – 30, 2012, for Hybrid Boiler #2 and for Hybrid Boiler #3, owned/operated at the time of testing by PBS Lumber Manufacturing, LLC. In electronic correspondence dated March 15, 2013, the Respondent stated that the results of the emission testing were received on or about January 15, 2013. The application to modify the permit was submitted 91 days after receiving the emission testing results. The failure to request a permit modification within 45 days after receiving test results that demonstrate that a permit modification is required is a violation of LAC 33:III.523.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

D. Winn Lumber Company, LLC failed to submit the facility's 2012 Annual Compliance Certification for the period encompassing January 1, 2012 through December 31, 2012 by the required March 31, 2013 due date. The submittal was postmarked April 1, 2013. The failure to timely submit the Annual Compliance Certification is a violation of Part 70 General Condition M of Title V Permit No. 3240-00024-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

E. Winn Lumber Company, LLC failed to submit the facility's 2012 Second Semiannual Monitoring Report for the period encompassing July 1, 2012 through December 31, 2012 by the required March 31, 2013 due date. The submittal was postmarked April 1, 2013. The failure to timely submit the Second Semiannual Monitoring Report is a violation of Part 70 General Condition K of Title V Permit No. 3240-00024-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2)."

The following violation, although not cited in the foregoing enforcement action(s), is included within the scope of this settlement:

The Respondent failed to submit the facility's Annual Criteria Pollutant Emission Inventory for reporting year 2013 for the January 1, 2013 through February 14, 2013 portion of the year during which the facility was owned by PBS Lumber Manufacturing by the required March 31, 2013 due date. The certification was received December 2, 2014. The failure to submit the facility's

2013 Criteria & Toxic Air Pollution Emissions Certification Statement by the April 30, 2014 due date is a violation of LAC 33:III.919.F.1.d, 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 FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($5,500.00), of which One Thousand Two Hundred Ninety-One and 73/100 Dollars ($1,291.73) 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 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

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 Winn 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.

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.

WINN LUMBER COMPANY, 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: _____
D. Chance McNeely, 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: _____
D. Chance McNeely, Assistant Secretary