

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BLAST TECH LLC

AI # 195547

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Settlement Tracking No.**
* **SA-MM-23-0074**
*
* **Enforcement Tracking No.**
* **MM-PP-21-00189**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Blast Tech 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 owned and/or operated a sand blasting facility located in Broussard, St. Martin Parish, Louisiana (“the Facility”).

II

On June 1, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. MM-PP-21-00189 (Exhibit 1).

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 FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00), of which One Thousand Three Hundred Twenty-Seven and 82/100 Dollars (\$1,327.82) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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 Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, 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. Martin Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement 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 attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in

accordance with the terms of this Settlement Agreement.

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.

BLAST TECH LLC

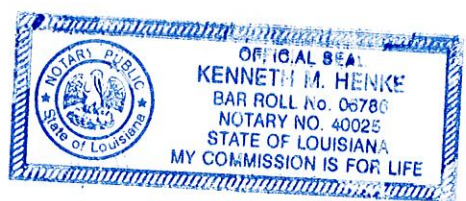
BY: [Signature]
(Signature)

Andre Fontane
(Printed)

TITLE: CCO

THUS DONE AND SIGNED in duplicate original before me this 25th day of JANUARY 25, 20 24, at Broussard, LA 70518

[Signature]
NOTARY PUBLIC (ID # 40025) 06786



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: [Signature]
Aurelia S. Eriacometto, Secretary

THUS DONE AND SIGNED in duplicate original before me this 26th day of April, 20 24, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 91143)
La. Bar No. 33050



Approved: [Signature]
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR

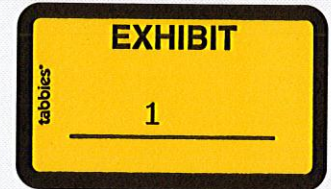


CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUN 01 2021

CERTIFIED MAIL (7019 2970 0000 6037 4234)
RETURN RECEIPT REQUESTED



BLAST TECH LLC
c/o Joseph C. Giglio, III
Agent for Service of Process
900 East Saint Mary Boulevard, Suite 200
Lafayette, LA 70503

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-PP-21-00189
AGENCY INTEREST NO. 195547**

Dear Sir:

On or about January 11, 2019, and May 26, 2021, an inspection and subsequent file review of **BLAST TECH LLC**, a sand blasting facility, owned and/or operated by **BLAST TECH LLC (RESPONDENT)**, were performed in response to a citizen's complaint to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality, Hazardous Waste, and Solid Waste Regulations. The facility is located at 1064 Maurice Road in Broussard, St. Martin Parish, Louisiana. The facility previously operated under Minor Source Air Permit No. 2620-00128-00 issued March 27, 2015. The facility currently operates under Minor Source Air Permit No. 2620-00128-01 issued April 24, 2019. Additionally, the Respondent has notified the Department as a Large Quantity Generator of hazardous waste and operates under EPA identification number LAR000085472.

On or about October 13, 2017, the Department issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) MM-CN-17-00602 to the Respondent for Air Quality and Hazardous Waste violations. The Respondent received CONOPP MM-CN-17-00602 on or about October 19, 2017, via certified mail. The Respondent did not appeal CONOPP MM-CN-17-00602; therefore, it is a final action, not subject to review. On or about May 1, 2018, the Department issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) AE-CN-18-00022 to the Respondent for Air Quality violations. The Respondent did not appeal CONOPP AE-CN-18-00022; therefore, it is a final action, not subject to review. On or about December 11, 2018, the Department issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) AE-CN-18-00403 to the Respondent for Air Quality violations. The Respondent did not appeal CONOPP AE-CN-18-00403; therefore, it is a final action, not subject to review.

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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:

- A. The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Specifically, photographs from the complainant dated January 9, 2019, show particulate matter emanating from the top of the sand hopper during loading. During the January 11, 2019 inspection, a representative of the Respondent stated that a load of sand had been delivered on January 9, 2019. Further, the Respondent's representative stated that the delivery company has previously caused issues due to loading sand too fast. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of CONOPP MM-CN-17-00602, CONOPP AE-CN-18-00403, Specific Requirement No. 28 of Air Permit No. 2620-00128-00, LAC 33:III.1305.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. The Respondent failed to implement its abrasive blasting best management practices (BMP) plan. Specifically, the Respondent spread spent blasting sand near the northeast corner of the Oversized Equipment Building (OEB). The spreading of spent blasting sand was not permitted as a beneficial use prior to this occurring. Section 8.2.11 of the BMP states that disposal of spent abrasive materials will be disposed of by an authorized provider. This is a violation of Specific Requirement No. 11 of Air Permit No. 2620-00128-00, LAC 33:III.1329.A.2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. The Respondent caused and/or allowed the disposal of regulated solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, the Department observed spent blast media spread on the ground near the northeast corner of the facility's OEB blasting shed. On or about August 30, 2019, the Department approved a Beneficial Use Plan for the Respondent's spent blast media. The Respondent now has Departmental approval to spread the spent blast media in low lying areas to minimize the storm water runoff.
- D. The Respondent failed to determine if generated solid waste is a hazard, in violation of LAC 33:V.1005.A. Specifically, at the time of the inspection, the Respondent failed to determine if spent blast media was a hazard. The subsequent file review revealed the Respondent performed a Toxicity Characteristics Leaching Procedure (TCLP) on the spent blast media at the facility on or about August 15, 2019. The analytical results revealed the spent blast media is nonhazardous.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Jennifer Boudreaux at (225) 219-3636 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/JMB/cgc
Alt ID Nos. LAR000085472; 2620-00128-00

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	MM-PP-21-00189	Contact Name	Jennifer Boudreaux
Agency Interest (AI) No.	195547	Contact Phone No.	225-219-3636
Alternate ID Nos.	LAR000085472; 2620-00128-00		
Respondent:	Blast Tech, LLC	Facility Name:	Blast Tech, LLC
	c/o Joseph C. Giglio, III	Physical Location:	1064 Maurice Road
	Agent for Service of Process	City, State, Zip:	Broussard, LA 70518
	900 East Saint Mary Blvd. Lafayette, LA 70503	Parish:	St. Mary

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1 Subpart 1 Chapter 7.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-PP-21-00189, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-PP-21-00189, the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional) = \$ _____
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.**

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY MM-PP-21-00189 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Jennifer Boudreaux