

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**SMITTY'S SUPPLY, INC.**

**AI # 25963**

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

\* **Settlement Tracking No.**  
\* **SA-MM-23-0017**  
\*  
\* **Enforcement Tracking Nos.**  
\* **WE-CN-21-00234**  
\* **WE-CN-21-00234A**  
\* **MM-CN-21-00182**  
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\*

**SETTLEMENT**

The following Settlement is hereby agreed to between Smitty's Supply, 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 blending and packaging facility for oil and other engine lubricants located in Roseland, Tangipahoa Parish, Louisiana ("the Facility").

**II**

On April 19, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00234 (Exhibit 1).

On June 17, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-21-00182 (Exhibit 2).

On September 17, 2021, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00234A

(Exhibit 3).

The following violation, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

An inspection conducted on or about June 30, 2021, revealed that the Respondent failed to comply with LPDES permit LA0127154, by not maintaining waters of the state in accordance with the Water Quality Regulations. Specifically, the Respondent reported a spill of approximately 20 gallons of lubricating oil occurred on or about June 17, 2021. On or about June 30, 2021, the Department's inspector observed a rainbow sheen discharging from Outfall 004 to the La. Highway 51 roadside ditch. The discharge of oil to waters of the state is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-3, page 10 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A, and LAC 33:IX.1113.B.1.b.

### 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 TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00), of which Twenty-One Thousand Three Hundred Sixty-Three and 07/100 Dollars (\$21,363.07) 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 Orders & Notices of Potential Penalty, Amended 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 Tangipahoa 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 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.

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.

SMITTY'S SUPPLY, INC.

BY: Chad Tate  
(Signature)

Chad E. Tate  
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 15 day of December, 20 23, at Roseland, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)

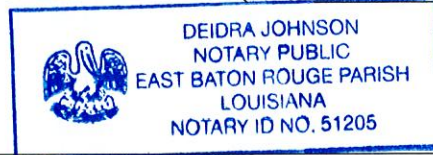
A. Bradley Berner  
Notary Public; State of Louisiana  
Notary ID No. 60141  
(stamped or printed) Louisiana Bar Roll No. 26199  
Commission Expires at Death

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: Aurelia S. Giacometto  
Aurelia S. Giacometto, Secretary

THUS DONE AND SIGNED in duplicate original before me this 3rd day of April, 20 24, at Baton Rouge, Louisiana.

Deidra Johnson  
NOTARY PUBLIC (ID # 51205)



(stamped or printed)

Approved: Celena J. Cage  
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

April 19, 2021

CERTIFIED MAIL (7019 2970 0000 6037 2841)  
RETURN RECEIPT REQUESTED

**SMITTY'S SUPPLY, INC.**  
c/o A. Bradley Berner, Attorney at Law  
Agent for Service of Process  
1250 Southwest Railroad Avenue Suite 230A  
Hammond, LA 70403

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-21-00234  
AGENCY INTEREST NO. 25963**

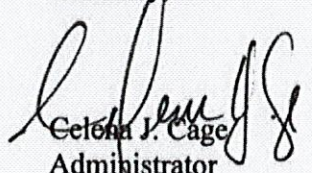
Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **SMITTY'S SUPPLY, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Jessie Canerday at (225) 219-3814 or [Jessie.Canerday@la.gov](mailto:Jessie.Canerday@la.gov).

Sincerely,

  
Celesta J. Cage  
Administrator  
Enforcement Division

CJC/JSC/jsc  
Alt ID Nos. LA0127154 & LAG480352  
Attachment





c: Smitty's Supply, Inc.  
P.O. Box 530  
Roseland, LA 70456

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

|  |   |                                 |
|--|---|---------------------------------|
| <b>IN THE MATTER OF</b>                      | * |                                 |
|  | * |                                 |
| <b>SMITTY'S SUPPLY, INC.</b>                 | * | <b>ENFORCEMENT TRACKING NO.</b> |
| <b>TANGIPAHOA PARISH</b>                     | * |                                 |
| <b>ALT ID NOS. LA0127154 &amp; LAG480352</b> | * | <b>WE-CN-21-00234</b>           |
|  | * |                                 |
|  | * | <b>AGENCY INTEREST NO.</b>      |
| <b>PROCEEDINGS UNDER THE LOUISIANA</b>       | * |                                 |
| <b>ENVIRONMENTAL QUALITY ACT,</b>            | * | <b>25963</b>                    |
| <b>La. R.S. 30:2001, ET SEQ.</b>             | * |                                 |

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SMITTY'S SUPPLY, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates Smitty's Roseland Site, a blending and packaging facility for oil and other engine lubricants, located at 63399 Highway 51 N in Roseland, Tangipahoa Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG480352 effective on May 24, 2011, and modified on February 10, 2014. LPDES General Permit LAG480352 expired on November 30, 2015, but was administratively continued until the Respondent was issued LPDES Individual Permit LA0127154 on September 25, 2018, with an effective date of November 1, 2018. LPDES Permit LA0127154 will expire on October 31, 2023. Under the terms and conditions of LPDES Permit LA0127154, the Respondent is permitted to discharge treated sanitary effluent from Outfall 001, treated sanitary effluent previously monitored at internal Outfall 102 comingled with storm water runoff from Outfall 002, treated sanitary effluent from Outfall 003, storm



water runoff from Outfall 004, treated sanitary effluent previously monitored at internal Outfalls 105 and 205 comingled with storm water runoff from Outfall 005, storm water runoff from Outfall 006, utility wastewater from boiler blowdown from Outfall 007, and storm water runoff from Outfall 008 into local drainage, thence to the Tangipahoa River (subsegment 040701), all waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-10-00124** on or about December 19, 2011. The Department received a response from the Respondent dated February 14, 2012. **COMPLIANCE ORDER WE-C-10-00124** is a final action of the Department and not subject to further review.

III.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-12-01230** on or about October 29, 2012. The Department received a response from the Respondent dated December 7, 2012. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-12-01230** is a final action of the Department and not subject to further review.

IV.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-17-00667** on or about January 19, 2018. The Department received a response from the Respondent dated April 23, 2018. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-17-00667** is a final action of the Department and not subject to further review.

V.

On or about March 3, 2020, September 25, 2020, January 25, 2021, January 29, 2021, and February 5, 2021, inspections were conducted at the above referenced facility in response to multiple citizen's complaints, and a subsequent file review was conducted on or about April 15, 2021, to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. The Respondent failed to comply with LPDES permit LA0127154. Specifically, a review of Discharge Monitoring Reports (DMRs) between November 2018 and March 2021, revealed that the Respondent reported exceedances of permit effluent limitations

for COD, BOD, oil & grease, pH, TOC, TSS, and fecal coliform (see Table 1). In addition, the Department sampled the effluent at Outfall 004 during the January 25, 2021, inspection and split the samples with the Respondent. Analysis results revealed that the effluent exceeded the permit effluent limitations for oil & grease and COD (see Table 1). The failure to comply is in violation of LPDES Permit LA0127154 (Permit Requirements, Effluent Limitations and Monitoring Requirements, pages 1-21 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- B. The Respondent failed to comply with LPDES permit LAG480352. Specifically, a review of Discharge Monitoring Reports (DMRs) between July 2016 and December 2018 revealed that the Respondent reported exceedances of permit effluent limitations for BOD, TSS, and fecal coliform (see Table 2). The failure to comply is in violation of LPDES permit LAG480352 (Section B, Effluent Limitations, page 11 of 29 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- C. The Respondent failed to sample the effluent from outfalls on a monthly and quarterly basis as required by LPDES Permit LA0127154. Specifically, the Respondent reported that analysis was not conducted for all outfalls for the November and December 2018 monthly monitoring periods and the October-December 2018 quarterly monitoring period. The failure to sample is in violation of LPDES permit LA0127154 (Permit Requirements, Effluent Limitations and Monitoring Requirements, pages 1-21 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- D. The Respondent failed to sample the effluent from Outfalls 01A, 01B, 01C, and 01D on a semiannual basis as required by LPDES Permit LAG480352. Specifically, the Respondent reported that analysis was not conducted for the outfalls and monitoring periods in Table 3 (attached). The failure to sample is in violation of LPDES permit LAG480352 (Section B, Effluent Limitations RLP 1 Outfall 001, page 11 of 29 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- E. The Respondent failed to comply with LPDES permit LA0127154. Specifically, the inspection conducted on or about January 25, 2021, revealed that the Respondent failed to keep daily visual sheen logs for Outfalls 002, 004, 005, 006, and 008. The failure to

comply is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-4, pages 4, 10, 12, 18, & 22 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

- F. The Respondent failed to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Specifically, at the time of the January 25, 2021, inspection, the oil water separator at Outfall 004 was not operating properly. An oil sheen was observed leaving the oil water separator and entering the receiving stream from Outfall 004. In addition, oil & grease samples were taken at Outfall 004, downstream from the oil water separator. Oil & grease results were 194 mg/L; the permitted limit is 15 mg/L. Proper operation and maintenance of the oil water separator prevents oil from being discharged and meets permitted limits. The failure to properly operate and maintain all systems of treatment and control is in violation of LPDES permit LA0127154 (Standard Conditions for LPDES Permits, Sections A.2 & B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)
- G. The Respondent failed to comply with LPDES permit LA0127154, by not maintaining waters of the state in accordance with the Water Quality Regulations. Specifically, at the time of the September 25, 2020 inspection, a visible sheen was discharging from Outfall 004 to the receiving stream. At the time of the January 25, 2021, inspection, discharges from Outfalls 002, 004, 005, 006, and 008 contained free oil or oily material. Oil-contaminated water was observed throughout the Highway 51 roadside ditch in front of the facility. At the time of the January 29, 2021 inspection, Outfalls 002 and 005 had a visible sheen in the receiving stream. At the time of the February 5, 2021 inspection, Outfalls 002, 004, and 005 had a visible sheen in the receiving stream. The discharge of oil to waters of the state is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-3, pages 4, 10, 12, 18, and 22 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A, and LAC 33:IX.1113.B.1.b.
- H. The Respondent caused and/or allowed the discharge of oil-contaminated water from a source or location not authorized by the permit. Specifically, inspections conducted on or about September 25, 2020, and January 25, 2021, revealed oil contaminated water

leaking from the drain for Tank Farm 11's secondary containment at the time of inspection. The inspector witnessed the discharge enter the parking lot, then discharge into the La. Highway 51 roadside ditch, a location that is not a permitted outfall. The unauthorized discharge of oil-contaminated water from a location not authorized by the permit is in violation of La. R.S. 30:2076(A)(1)(a), LAC 33:IX.501.C, and LAC 33:IX.501.D.

- I. The Respondent failed to comply with LPDES permit LA0127154. Specifically, the Respondent is required to submit all instances of noncompliance, not reported under Sections D.4-6 in Standard Conditions for LPDES Permits, at the time that DMRs are submitted. A noncompliance report for the oil-contaminated discharge observed during the September 25, 2020, inspection (see Paragraphs G and H) was due with the submission of the September 2020 DMRs. As of the file review date, the Department has not received the noncompliance report. The failure to comply is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-4, pages 4, 10, 12, 18, and 22 of 25 and Standard Conditions for LPDES Permits, Sections A.2 & D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A.
- J. The facility failed to amend the Spill Prevention and Control (SPC) plan prior to or concurrent with a modification in facility design, construction, storage capacity, operation or maintenance which rendered the existing plan inadequate. Specifically, at the time of the January 25, 2021, inspection, the inspector observed a new tank farm constructed next to Tank Farm 3. The SPC plan was last revised in April 2013 and did not reflect the new tank farm. The failure to amend the SPC plan is in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.E.
- K. The Respondent failed to implement the SPC plan (the facility's Spill Prevention, Control, and Countermeasures (SPCC) plan is combined with the SPC plan). Specifically, the following was revealed during inspections:
  - i. Inspections conducted on or about September 25, 2020, and January 25, 2021, revealed the Respondent failed to maintain secondary containment systems so that discharges and precipitation are fully retained until proper removal, in accordance with the facility's SPC plan. Specifically, various secondary containments were not impervious to contain leaks or spills. During the January



25, 2021, inspection, emulsified oil was leaking out of the secondary containment of Tank Farm 5; spilled used oil was leaking from the drain of Tank Farm 9 secondary containment; and spilled brake fluid and hydrocarbons were leaking to the parking lot from the drain for the Tank Farm 11 secondary containment. During the inspection conducted on or about January 25, 2021: emulsified oil and antifreeze was seeping from the secondary containment wall of Tank Farm 2; emulsified oil was seeping from the secondary containment of Tank Farms 5, 7, and 13; emulsified oil and used oil was leaking from Tank Farm 9's secondary containment; emulsified oil and free product was leaking from Tank Farm 10's secondary containment; and emulsified oil was leaking from the drain of Tank Farm 11's secondary containment. The leaks from Tank Farms 5, 9, and 11 were observed during both the September 25, 2020 and January 25, 2021, inspections.

- ii. A follow-up inspection conducted on or about January 29, 2021, revealed the Respondent last documented a review of the SPC plan in April of 2013. The facility's SPC plan requires the Respondent to conduct and document a review and evaluation of the SPC plan every five (5) years.
- iii. The Respondent failed to keep a Tank Farm Drain Log as required by the facility's SPC plan. During a follow-up inspection conducted on or about January 29, 2021, a facility representative stated that they do not use a Tank Farm Drain Log.
- iv. A follow-up inspection conducted on or about January 29, 2021, revealed the Respondent did not complete monthly inspections in accordance with the SPC plan. Specifically, the SPC plan requires that monthly visual inspections include 55-gallon drums and tote tanks and that secondary containment be inspected to ensure it is free of standing water. The monthly inspections are to be documented and maintained for three (3) years. The monthly inspection documentation did not include 55-gallon drums, tote tanks, or inspection of secondary containment to ensure it is free of standing water.

Paragraphs K.i-iv are all failures to implement the SPC plan and are violations of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.B.

- L. The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP). Specifically, the following was revealed during the inspections:
- i. The Respondent failed to maintain all equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other material exposed to storm water in a manner, which prevents contamination of storm water by pollutants, as required by the SWPPP. Specifically, the March 3, 2020, inspection revealed drums, which contained grease, had open tops, allowing for exposure to storm water. The September 25, 2020, inspection revealed: an uncovered 5-gallon bucket of used oil on the ground outside Warehouse 5; a 55-gallon drum of oil-saturated media uncovered and exposed to storm water; and various 55-gallon drums and 275-gallon totes in poor condition, leaking, and exposed to storm water. The January 25, 2021, inspection revealed: 55-gallon drums open and exposed to storm water; emulsified oil leaking from a dumpster and onto the concrete, exposed to storm water; and an overfilled dumpster with oily material on the concrete and exposed to storm water.
  - ii. The Respondent failed to maintain all diked areas surrounding storage tanks free of residual oil or other contaminants, as required by the SWPPP. Specifically, during the September 25, 2020, inspection, the following was observed: emulsified hydrocarbons and brake fluid were in Tank Farm 11's secondary containment; emulsified oil was in Tank Farm 5's secondary containment; and spilled used oil was in Tank Farm 9's secondary containment. The following was observed during the January 25, 2021, inspection: emulsified oil and antifreeze was in Tank Farm 2's secondary containment; there was emulsified oil in Tank Farm 7, 11, and 13's secondary containment; there was spilled used oil and emulsified oil in Tank Farm 9's secondary containment; and there was emulsified oil and free product in Tank Farm 10's secondary containment. Oil and contaminants were observed in the secondary containments for Tank Farms 9 and 11 during the September 25, 2020, and January 25, 2021, inspections.
  - iii. A follow-up inspection conducted on or about January 29, 2021, revealed the Respondent failed to complete the Annual Site Compliance Evaluation in

accordance with the facility's SWPPP for the previous three (3) years. The Respondent is required to conduct and document an Annual Site Compliance Evaluation; the evaluations are required to be signed by duly authorized person and maintained with the SWPPP for three (3) years. The documentation for the Annual Site Compliance Evaluation was not completed or signed by a duly authorized person.

- iv. A follow-up inspection conducted on or about January 29, 2021, revealed the Respondent failed to maintain training records as required by the facility's SWPPP. The SWPPP requires that employees receive annual training and the training be documented and maintained with the SWPPP for three (3) years. The SWPPP did not have training records.
- v. A follow-up inspection conducted on or about January 29, 2021, revealed the facility's SWPPP was not signed and certified by a duly authorized person.

The failure to implement the SWPPP as described in Paragraphs L.i-v above are violations of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-6 through N-21, pages 24-25 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

M. The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP) and the Spill Prevention and Control (SPC) plan. Specifically, the following was revealed during the inspections:

- i. The Respondent failed to maintain drains and/or valves in the closed/locked position when not under supervised discharge, in accordance with the facility's SPC plan and SWPPP. Specifically, drains and/or valves for the secondary containment for Tank Farms 1 and 14, the new tank farm, and the fuel containment area of the Rail Spur were not capped or were in the open position while unsupervised during the January 25, 2021, inspection.
- ii. The Respondent failed to store 55-gallon drums and portable totes inside the warehouse or under cover, in accordance with the facility's SPC plan and SWPPP. Specifically, 55-gallon drums and portable totes were observed stacked and stored outdoors throughout the facility during the March 3, 2020, September 25, 2020 and January 25, 2021 inspections.

Paragraphs M.i-ii are all failures to implement the SPC plan and are violations of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.B. Paragraphs M.i-ii are also failures to meet all conditions of the SWPPP and are violations of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-6 through N-21, pages 24-25 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

#### **I.**

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and LPDES permit LA0127154.

#### **II.**

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

#### **III.**

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate Spill Prevention and Control Plan (SPC) as outlined in LAC 33:IX.907 and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this **COMPLIANCE ORDER**. The SPC plan shall address the violations described in Paragraphs K and M of the "Findings of Fact" portion of this order.

#### **IV.**

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate and complete SWPPP and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this **COMPLIANCE ORDER**. The SWPPP shall address the violations described in Paragraphs L and M of the "Findings of Fact" portion of this order.

#### **V.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:



Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Jessie Canerday**  
**Re: Enforcement Tracking No. WE-CN-21-00234**  
**Agency Interest No. 25963**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

**I.**

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

**II.**

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. WE-CN-21-00234**  
**Agency Interest No. 25963**

**III.**

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

**IV.**

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

**NOTICE OF POTENTIAL PENALTY**

I.

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.

II.

Prior to the issuance of additional appropriate enforcement action(s), 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 Jessie Canerday at (225) 219-3814 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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 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 violation(s) 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 that 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.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**  
is effective upon receipt.

Baton Rouge, Louisiana, this 19<sup>th</sup> day of April, 2021.



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Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Jessie Canerday





LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &  
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE

|                          |   |                    |                       |
|--------------------------|---|--------------------|-----------------------|
| Enforcement Tracking No. | WE-CN-21-00234  | Contact Name       | Jessie Canerday       |
| Agency Interest (AI) No. | 25963   | Contact Phone No.  | (225) 219-3814        |
| Alternate ID Nos.        | LA0127154 & LAG480352   |                    |                       |
| Respondent:              | SMITTY'S SUPPLY, INC.   | Facility Name:     | Smitty's Supply, Inc. |
|                          | c/o A. Bradley Berner, Attorney at Law                            | Physical Location: | 63399 Hwy 51 N        |
|                          | Agent for Service of Process                                      |                    |                       |
|                          | 1250 Southwest Railroad Avenue<br>Suite 230A<br>Hammond, LA 70403 | City, State, Zip:  | Roseland, LA 70456    |
|                          |   | Parish:            | Tangipahoa            |

**STATEMENT OF COMPLIANCE**

| STATEMENT OF COMPLIANCE  | Date Completed | Copy Attached? |
|--|----------------|----------------|
| A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER.  |                |                |
| All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) III & IV of the "Order" portion of the COMPLIANCE ORDER.  |                |                |
| All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of: |                |                |

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

|                          |  |
|--------------------------|--|
| <input type="checkbox"/> | 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:I.Subpart1.Chapter7.  |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (WE-CN-21-00234), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.   |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (WE-CN-21-00234), 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.<br><ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• 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.</li> </ul> |
| <input type="checkbox"/> | The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (WE-CN-21-00234) 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,*

|  |                                  |                           |
|--|----------------------------------|---------------------------|
| <i>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.</i> |                                  |                           |
|  |                                  |                           |
| <b>Respondent's Signature</b>  | <b>Respondent's Printed Name</b> | <b>Respondent's Title</b> |
|  |                                  |                           |
| <b>Respondent's Physical Address</b>   | <b>Respondent's Phone #</b>      | <b>Date</b>               |
| <b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>   |                                  |                           |
| Louisiana Department of Environmental Quality<br>Office of Environmental Compliance<br>Enforcement Division<br>P.O. Box 4312<br>Baton Rouge, LA 70821<br>Attn: Jessie Canerday   |                                  |                           |

Table 1. LA0127154 Effluent Limit Exceedances

| Date       | Outfall | Parameter   | Permit Limit | Sample Value  |
|------------|---------|---|--------------|---------------|
| 01/31/2019 | 005A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 2580 mg/L     |
| 02/28/2019 | 002A    | pH Instantaneous Maximum                              | 9 SU         | 9.32 SU       |
| 02/28/2019 | 004A    | Oil & Grease Daily Maximum                            | 15 mg/L      | 15.6 mg/L     |
| 03/31/2019 | 001Q    | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L      | 97.7 mg/L     |
| 03/31/2019 | 001Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 97.7 mg/L     |
| 03/31/2019 | 001Q    | Coliform, fecal general Daily Maximum                 | 400 #/100mL  | 510 #/100mL   |
| 03/31/2019 | 001Q    | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL  | 510 #/100mL   |
| 03/31/2019 | 002A    | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L      | 59.9 mg/L     |
| 03/31/2019 | 002A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 196 mg/L      |
| 03/31/2019 | 102Q    | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L      | 52.9 mg/L     |
| 03/31/2019 | 102Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 52.9 mg/L     |
| 03/31/2019 | 102Q    | Solids, total suspended Daily Maximum                 | 45 mg/L      | 148 mg/L      |
| 03/31/2019 | 102Q    | Solids, total suspended Monthly Average               | 30 mg/L      | 148 mg/L      |
| 03/31/2019 | 105Q    | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L      | 97.1 mg/L     |
| 03/31/2019 | 105Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 97.1 mg/L     |
| 03/31/2019 | 105Q    | Solids, total suspended Daily Maximum                 | 45 mg/L      | 59 mg/L       |
| 03/31/2019 | 105Q    | Solids, total suspended Monthly Average               | 30 mg/L      | 59 mg/L       |
| 03/31/2019 | 205Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 34.4 mg/L     |
| 05/31/2019 | 004A    | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L      | 93.7 mg/L     |
| 05/31/2019 | 004A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 326 mg/L      |
| 06/30/2019 | 001Q    | Coliform, fecal general Daily Maximum                 | 400 #/100mL  | >2000 #/100mL |
| 06/30/2019 | 001Q    | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL  | >2000 #/100mL |
| 06/30/2019 | 005A    | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L      | 138 mg/L      |
| 06/30/2019 | 005A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 467 mg/L      |
| 06/30/2019 | 102Q    | Coliform, fecal general Daily Maximum                 | 400 #/100mL  | 1650 #/100mL  |
| 06/30/2019 | 102Q    | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL  | 1650 #/100mL  |

|            |      |   |             |               |
|------------|------|---|-------------|---------------|
| 06/30/2019 | 102Q | Solids, total suspended Monthly Average               | 30 mg/L     | 31 mg/L       |
| 06/30/2019 | 105Q | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L     | 332 mg/L      |
| 06/30/2019 | 105Q | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L     | 332 mg/L      |
| 06/30/2019 | 105Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | >2000 #/100mL |
| 06/30/2019 | 105Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | >2000 #/100mL |
| 06/30/2019 | 105Q | Solids, total suspended Daily Maximum                 | 45 mg/L     | 56 mg/L       |
| 06/30/2019 | 105Q | Solids, total suspended Monthly Average               | 30 mg/L     | 56 mg/L       |
| 07/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 172 mg/L      |
| 08/31/2019 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 130 mg/L      |
| 08/31/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 251 mg/L      |
| 08/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 549 mg/L      |
| 09/30/2019 | 001Q | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L     | 42.2 mg/L     |
| 09/30/2019 | 001Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 001Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 001Q | Solids, total suspended Monthly Average               | 30 mg/L     | 42 mg/L       |
| 09/30/2019 | 003Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 003Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 003Q | Solids, total suspended Monthly Average               | 30 mg/L     | 32 mg/L       |
| 09/30/2019 | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 78.4 mg/L     |
| 09/30/2019 | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 495 mg/L      |
| 09/30/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 79.7 mg/L     |
| 09/30/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 349 mg/L      |
| 09/30/2019 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | >1000 #/100mL |
| 09/30/2019 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | >1000 #/100mL |
| 10/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 165 mg/L      |
| 11/30/2019 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 145 mg/L      |
| 11/30/2019 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 526 mg/L      |
| 11/30/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 1950 mg/L     |

|            |      |   |             |              |
|------------|------|---|-------------|--------------|
| 11/30/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 1920 mg/L    |
| 12/31/2019 | 001Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 001Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 12/31/2019 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 71.4 mg/L    |
| 12/31/2019 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 276 mg/L     |
| 12/31/2019 | 003Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 003Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 12/31/2019 | 003Q | Solids, total suspended Daily Maximum                 | 45 mg/L     | 47 mg/L      |
| 12/31/2019 | 003Q | Solids, total suspended Monthly Average               | 30 mg/L     | 47 mg/L      |
| 12/31/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 105 mg/L     |
| 12/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 308 mg/L     |
| 12/31/2019 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 12/31/2019 | 205Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 205Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 01/31/2020 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 144 mg/L     |
| 01/31/2020 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 477 mg/L     |
| 06/30/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 128 mg/L     |
| 06/30/2020 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 06/30/2020 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 06/30/2020 | 102Q | Solids, total suspended Monthly Average               | 30 mg/L     | 31 mg/L      |
| 08/31/2020 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 524 mg/L     |
| 08/31/2020 | 002A | Oil & Grease Daily Maximum                            | 15 mg/L     | 139 mg/L     |
| 08/31/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 2380 mg/L    |
| 09/30/2020 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 09/30/2020 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 10/31/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 136 mg/L     |
| 12/31/2020 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 173 mg/L     |

|             |      |   |          |           |
|-------------|------|---|----------|-----------|
| 12/31/2020  | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 560 mg/L  |
| 12/31/2020  | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L  | 179 mg/L  |
| 12/31/2020  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 572 mg/L  |
| 01/25/2021* | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 194 mg/L  |
| 01/25/2021* | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 450 mg/L  |
| 01/31/2021  | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 128 mg/L  |
| 01/31/2021  | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 142 mg/L  |
| 01/31/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 580 mg/L  |
| 02/28/2021  | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L  | 51.9 mg/L |
| 02/28/2021  | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 21.2 mg/L |
| 02/28/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 263 mg/L  |
| 03/31/2021  | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L  | 96 mg/L   |
| 03/31/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 364 mg/L  |
| 03/31/2021  | 102Q | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L  | 159 mg/L  |
| 03/31/2021  | 102Q | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L  | 159 mg/L  |
| 03/31/2021  | 102Q | Solids, total suspended Daily Maximum                 | 45 mg/L  | 90 mg/L   |
| 03/31/2021  | 102Q | Solids, total suspended Monthly Average               | 30 mg/L  | 90 mg/L   |

\*Sampled by the Department during January 25, 2021, inspection

Table 2. LAG480352 Effluent Limit Exceedances

| DMR Date              | Outfall | Parameter  | Permit Limit | Sample Value  |
|-----------------------|---------|--|--------------|---------------|
| Jan. 1-June 30, 2018  | 01CS    | BOD, 5-day, 20 deg. C Daily Maximum                | 45 mg/L      | 442 mg/L      |
| Jan. 1-June 30, 2018  | 01CS    | BOD, 5-day, 20 deg. C Monthly Average              | 30 mg/L      | 442 mg/L      |
| Jan. 1-June 30, 2018  | 01CS    | Colliform, fecal general Daily Maximum             | 400 #/100mL  | >6000 #/100mL |
| Jan. 1-June 30, 2018  | 01CS    | Colliform, fecal general Monthly Average Geometric | 200 #/100mL  | >6000 #/100mL |
| Jan. 1-June 30, 2018  | 01CS    | Solids, total suspended Daily Maximum              | 45 mg/L      | 167 mg/L      |
| Jan. 1-June 30, 2018  | 01CS    | Solids, total suspended Monthly Average            | 30 mg/L      | 167 mg/L      |
| Jan. 1-June 30, 2018  | 01DS    | Colliform, fecal general Monthly Average Geometric | 200 #/100mL  | 400 #/100mL   |
| July 1-Dec. 31, 2018* | 01AS    | Colliform, fecal general Daily Maximum             | 400 #/100mL  | 1800 #/100mL  |
| July 1-Dec. 31, 2018* | 01AS    | Colliform, fecal general Monthly Average Geometric | 200 #/100mL  | 1800 #/100mL  |
| July 1-Dec. 31, 2018* | 01CS    | BOD, 5-day, 20 deg. C Daily Maximum                | 45 mg/L      | >72 mg/L      |
| July 1-Dec. 31, 2018* | 01CS    | BOD, 5-day, 20 deg. C Monthly Average              | 30 mg/L      | >72 mg/L      |
| July 1-Dec. 31, 2018* | 01CS    | Colliform, fecal general Daily Maximum             | 400 #/100mL  | >6000 #/100mL |
| July 1-Dec. 31, 2018* | 01CS    | Colliform, fecal general Monthly Average Geometric | 200 #/100mL  | >6000 #/100mL |
| July 1-Dec. 31, 2018* | 01CS    | Solids, total suspended Daily Maximum              | 45 mg/L      | 214 mg/L      |
| July 1-Dec. 31, 2018* | 01CS    | Solids, total suspended Monthly Average            | 30 mg/L      | 214 mg/L      |
| July 1-Dec. 31, 2018* | 01DS    | BOD, 5-day, 20 deg. C Daily Maximum                | 45 mg/L      | 71 mg/L       |
| July 1-Dec. 31, 2018* | 01DS    | BOD, 5-day, 20 deg. C Monthly Average              | 30 mg/L      | 71 mg/L       |
| July 1-Dec. 31, 2018* | 01DS    | Colliform, fecal general Daily Maximum             | 400 #/100mL  | >6000 #/100mL |
| July 1-Dec. 31, 2018* | 01DS    | Colliform, fecal general Monthly Average Geometric | 200 #/100mL  | >6000 #/100mL |

\* The July 1-December 31, 2018, semiannual DMR covers July 1 – October 31, 2018. LPDES permit LAG480352 was terminated November 1, 2018.

Table 3. LAG480352 Failure to Sample

| Monitoring Period    | Outfall(s)             |
|----------------------|------------------------|
| July 1-Dec. 31, 2016 | 01A, 01B, 01C, and 01D |
| Jan. 1-June 30, 2017 | 01A, 01B, 01C, and 01D |
| July 1-Dec. 31, 2017 | 01A, 01B, 01C, and 01D |
| Jan. 1-June 30, 2018 | 01B                    |
| July 1-Dec. 31, 2018 | 01B                    |





JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUN 17 2021

CERTIFIED MAIL (7020 2450 0001 6670 3911)  
RETURN RECEIPT REQUESTED

**SMITTY'S SUPPLY, INC.**  
c/o A. Bradley Berner, Attorney at Law  
Agent for Service of Process  
1250 Southwest Railroad Avenue Suite 230A  
Hammond, LA 70403

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-21-00182  
AGENCY INTEREST NO. 25963**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **SMITTY'S SUPPLY, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to William Heintz at (225) 219-9782 or [William.Heintz@la.gov](mailto:William.Heintz@la.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/WJH/wjh  
Alt ID No. LAR000078691  
Attachment





c: Smitty's Supply, Inc.  
P.O. Box 530  
Roseland, LA 70456

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

|  |   |                                 |
|--|---|---------------------------------|
| <b>IN THE MATTER OF</b>                | * |                                 |
|  | * |                                 |
| <b>SMITTY'S SUPPLY, INC.</b>           | * | <b>ENFORCEMENT TRACKING NO.</b> |
| <b>TANGIPAHOA PARISH</b>               | * |                                 |
| <b>ALT ID NO. LAR000078691</b>         | * | <b>MM-CN-21-00182</b>           |
|  | * |                                 |
|  | * | <b>AGENCY INTEREST NO.</b>      |
| <b>PROCEEDINGS UNDER THE LOUISIANA</b> | * |                                 |
| <b>ENVIRONMENTAL QUALITY ACT,</b>      | * | <b>25963</b>                    |
| <b>La. R.S. 30:2001, ET SEQ.</b>       | * |                                 |

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SMITTY'S SUPPLY, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates Smitty's Supply, Inc., a blending and packaging facility for oil and other engine lubricants, located at 63399 Highway 51 N in Roseland, Tangipahoa Parish, Louisiana (the facility). The Respondent is an authorized used oil transfer facility and used oil processor and operates under EPA identification number LAR000078691. The Respondent has not notified as a generator of hazardous waste. The Respondent is not an authorized solid waste disposal facility.

**II.**

On or about September 25, 2020 and January 25, 2021 inspections were conducted at the above referenced facility in response to multiple citizen's complaints, and subsequent file reviews were performed on May 25 and 26, 2021, to determine the degree of compliance with the Act and the supporting

Regulations. While the investigation by the Department is not yet complete, the following violations were documented during the course of the inspections and subsequent file reviews:

- A. The Respondent failed to clean-up, remove, or otherwise render safe solid waste, which was disposed of in a manner not authorized by Solid Waste Regulations, in accordance with LAC 33:I.Chapter 13 (RECAP), in violation of LAC 33:VII.315.G. Specifically, during the September 25, 2020 inspection, oil contaminated soil, free product, and emulsified oil were observed throughout the ditches on the south side of Highway 10 and the east and west sides of Highway 51 N resulting from discharges from the facility. Outfalls 002, 004, 005, and 006 of the Respondent's LPDES Permit discharge into the above-mentioned ditches. During the January 25, 2021 inspection, the Respondent provided the Department's inspector with a report documenting removal of the contaminated soil, analytical data for the waste profile used for disposal, and disposal manifests. According to the report, cleanup activities were conducted on October 12, 2020 to October 16, 2020. The Respondent did not notify the Department's inspector prior to commencing cleanup activities. The Respondent sampled the contaminated soil for Total Petroleum Hydrocarbons – Diesel Range Organics, and Total Petroleum Hydrocarbons – Gas Range Organics, but did not sample the contaminated soil for benzene, toluene, ethylbenzene, and xylene. Furthermore, a spill occurred on January 22, 2021, which impacted the same ditches; therefore, the sample results associated with the contaminated soil observed during the September 25, 2020 inspection are not valid due to recontamination.
- B. The Respondent caused and/or allowed the unauthorized disposal of solid waste, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, several areas of the facility contained unauthorized, disposed solid waste during the September 25, 2020 and January 25, 2021 inspections. The facility is not an authorized solid waste disposal facility. Unauthorized solid waste disposal was observed in the following areas:
  - i. During the September 25, 2020 inspection, regulated solid waste was observed disposed of on the ground adjacent to a dumpster near Warehouse 6.
  - ii. During the September 25, 2020 inspection, eleven (11) plastic containers and other miscellaneous plastic wastes were observed disposed of on the walkway behind Warehouse 5.

- iii. During the September 25, 2020 and January 25, 2021 inspections, a large pile of wooden pallets in poor and unusable condition was observed disposed of on the ground in the unpaved area north of Warehouse 6 and west of Warehouse 5.
  - iv. During the September 25, 2020 inspection, a pile of miscellaneous regulated solid waste was observed disposed of on the ground near Tank Farm 4. The regulated solid waste included, but was not limited to, latex gloves, plastic bottles, cardboard, and empty containers. During the January 25, 2021 inspection, this waste was no longer present. However, a new pile of miscellaneous regulated solid waste was observed disposed of on the ground near Tank Farm 4. The regulated solid waste included, but was not limited to, a plastic bottle, an aluminum can, a Styrofoam cup and a paper cup.
  - v. During the January 25, 2021 inspection, a stack of waste wooden pallets in poor and unusable condition was observed disposed of on the concrete near Warehouse 7.
- C. The Respondent failed to store used oil in a unit (e.g., a container or tank), in violation of LAC 33:V.4013.B. Specifically, during the September 25, 2020 and January 25, 2021 inspections the Department observed several of the areas of the facility with un-containerized used oil. These areas are as follows:
- i. During the September 25, 2020 inspection, spilled used oil, emulsified oil, free product (which a representative of the Respondent was unable to identify), and rainwater were observed inside of the secondary containment system of Tank Farm 9. Spilled used oil was also observed on the concrete ditch between Tank Farm 9 and the concrete ditch that leads to Outfall 004. During the January 25, 2021 inspection, spilled used oil, emulsified oil, and free product were observed in the concrete ditch that is adjacent to Tank Farms 5, 6, 7, 9, and 11, and leads to Outfall 004. Spilled used oil and emulsified oil were observed inside of the secondary containment system of Tank Farm 9. Additionally, spilled used oil was observed actively leaking from the drain of the secondary containment system of Tank Farm 9.
  - ii. During the January 25, 2021 inspection, the concrete immediately to the east of Tank Farm 9 was heavily saturated with spilled used oil. This area contained

approximately one hundred (100) to one hundred fifty (150) 275-gallon used oil totes, many of which were leaking and in poor structural condition.

- iii. During the January 25, 2021 inspection, spilled used oil was observed on the concrete near Warehouse 7. This area contained approximately thirty (30) to fifty (50) 275-gallon used oil totes, several of which were leaking and in poor structural condition.
- D. The Respondent failed, upon detection of a release of used oil to the environment, to clean-up and manage properly the released used oil, in violation of LAC 33:V.4013.E, and LAC 33:V.4049.H. Specifically, during the September 25, 2020 and January 25, 2021 inspections, the Department observed spilled used oil onto unprotected, natural soils around the maintenance shop.
- E. The Respondent failed to provide a secondary containment system that is sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water, in violation of LAC 33:V.4035.F.2 and/or LAC 33:V.4049.E.2. Specifically, spilled used oil was observed actively leaking from the drain of the secondary containment system of Tank Farm 9 to the concrete ditch that leads to Outfall 004 during the September 25, 2020 and January 25, 2021 inspections. Additionally, water contaminated with used oil was observed leaking and weeping from the secondary containment walls such as near the walls and floor joints.
- F. The Respondent failed to determine if generated solid waste is a hazard, in violation of LAC 33:V.1005.A. Specifically, several areas of the facility contained unidentified generated solid waste during the September 25, 2020 and January 25, 2021 inspections. These areas are as follows:
- i. During the September 25, 2020 inspection, numerous unlabeled 275-gallon totes and 55-gallon drums of unknown materials north of Tank Farm 9 and east of Tank Farm 5 on the north side of the concrete ditch that leads to Outfall 004 were observed. A large number of the totes and drums were in poor condition and were actively leaking contents.
  - ii. During the September 25, 2020 inspection, unidentified spilled materials were observed on the floor of Warehouse 6.

- iii. During the September 25, 2020 inspection, unidentified spilled materials were observed on the floor of Warehouse 5 from a leaking container.
  - iv. During the September 25, 2020 inspection, unidentified spilled materials were observed on the concrete between Warehouse 4 and Warehouse 6 from a leaking 275-gallon tote.
  - v. During the September 25, 2020 inspection, two (2) 275-gallon totes spilled unknown hydrocarbon material onto the ground in the unpaved area north of Warehouse 6 and west of Warehouse 5. One (1) of these totes that spilled unknown hydrocarbon material onto the ground in the unpaved area north of Warehouse 6 and west of Warehouse 5 was also noted during the January 25, 2021 inspection; the other tote was no longer present.
  - vi. During the January 25, 2021 inspection, a roll-off container with crushed grease drums and other grease contaminated materials was observed between Tank Farm 10 and Tank Farm 13. A representative of the Respondent stated that the roll-off container is sent to Florida Parishes Scrap, Industries. Another representative of the Respondent stated that she was unaware that the roll-off container is sent to Florida Parishes Scrap, Industries. She further stated that the facility does not have a waste profile for the waste that is sent to Florida Parishes Scrap, Industries for recycling.
- G. The Respondent failed to clearly mark or label aboveground containers used to store used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1, LAC 33:V.4035.H.1 and LAC 33:V.4049.G.1. Specifically, aboveground containers storing used oil were located at the facility that were not marked or labeled with the words "Used Oil" to identify the containers during the September 25, 2020 and January 25, 2021 inspections. These areas are as follows:
- i. During the September 25, 2020 inspection, one (1) 5-gallon container located on the walkway behind Warehouse 5 was not labeled. Representatives of the Respondent confirmed that the container held used oil.
  - ii. During the January 25, 2021 inspection, three (3) 5-gallon buckets full of used oil contaminated absorbent media and rags located on the concrete walkway behind Warehouse 5 were not labeled. Representatives of the Respondent

- confirmed that the absorbent media and rags in the buckets were utilized for cleanup of spilled used oil.
- iii. During the January 25, 2021 inspection, three (3) 64,000-gallon tanks and three (3) 5-gallon buckets located in the secondary containment system of Tank Farm 9 were not labeled. A representative of the Respondent confirmed that the tanks and the buckets contained used oil.
  - iv. During the January 25, 2021 inspection, approximately one hundred (100) to one hundred fifty (150) 275-gallon totes containing varying levels of used oil located immediately to the east of Tank Farm 9 were not labeled.
  - v. During the January 25, 2021 inspection, approximately thirty (30) to fifty (50) 275-gallon totes located near Warehouse 7 were not labeled. Representatives of the Respondent confirmed that the totes contained used oil.
  - vi. During the January 25, 2021 inspection, approximately twenty (20) 275-gallon totes located behind a roll-off container between Tank Farm 10 and Tank Farm 13 were not labeled. A representative of the Respondent confirmed that the totes contained used oil.
- H. The Respondent failed to store used oil in containers that were in good condition and were not leaking, in violation of LAC 33:V.4013.C.1 and LAC 33:V.4013.C.2. Specifically, several areas of the facility had used oil containers that were in poor condition and were leaking during the January 25, 2021 inspection. These areas are as follows:
- i. Many of the approximately one hundred (100) to one hundred fifty (150) 275-gallon used oil totes located immediately to the east of Tank Farm 9 were leaking and were in poor structural condition.
  - ii. Several of the approximately thirty (30) to fifty (50) 275-gallon used oil totes located near Warehouse 7 were leaking and were in poor structural condition.
  - iii. Several of the approximately twenty (20) 275-gallon used oil totes located behind a roll-off container between Tank Farm 10 and Tank Farm 13 were leaking and were in poor structural condition.
- I. The Respondent failed to provide a secondary containment system for containers used to store used oil, in violation of LAC 33:V.4035.E.1.a-c and LAC 33:V.4049.D.1.a-c.

Specifically, several areas of the facility had used oil containers outside of a secondary containment system during the January 25, 2021 inspection. These areas are as follows:

- i. Approximately one hundred (100) to one hundred fifty (150) 275-gallon used oil totes located immediately to the east of Tank Farm 9 were not stored inside of a secondary containment system.
- ii. Approximately thirty (30) to fifty (50) 275-gallon used oil totes located near Warehouse 7 were not stored inside of a secondary containment system.
- iii. Approximately twenty (20) 275-gallon used oil totes located behind a roll-off container between Tank Farm 10 and Tank Farm 13 were not stored inside of a secondary containment system.

### III.

On or about April 6, 2021, the Department conducted an inspection at the above-referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and subsequent file reviews conducted on or about May 25 and May 26, 2021:

- A. The Respondent caused and/or allowed the unauthorized disposal of solid waste, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, during the April 6, 2021 inspection, (and also the September 25, 2020 and January 25, 2021 inspections) the Department observed the following solid wastes disposed of at/or adjacent to the facility without a permit or other authorization:
  - i. Oil/Used Oil/Hydrocarbon-contaminated environmental media observed along several hundred yards of the ditches adjacent to Highway 10 N;
  - ii. Abandoned oil/used oil/hydrocarbon-contaminated spill response materials (e.g. adsorbent booms and sandbags) observed along several hundred yards of the ditches adjacent to Highway 10 N; and
  - iii. A large pile of abandoned wooden pallets in poor/unusable condition and other debris observed disposed of on the ground in the unpaved area north of Warehouse 6 and west of Warehouse 5.
- B. The Respondent failed to determine if generated solid wastes were hazardous wastes, in violation of LAC 33:V.1005.A. Specifically, during the April 6, 2021 inspection, the



Department documented the following wastes for which the Respondent failed to perform a proper hazardous waste determination:

- i. Discarded/Spent aerosol cans generated at the Respondent's Maintenance Shop and other locations within the Respondent's facility. Specifically, the Respondent failed to determine whether un-punctured/un-drained, spent, aerosol cans were hazardous wastes. Spent aerosol cans (when not properly punctured/emptied prior to disposal) have the potential to be classified as characteristic and/or listed hazardous waste;
- ii. Discarded/Spent mercury-containing waste fluorescent lamps generated at the Respondent's facility which have the potential to be classified as characteristic and/or listed hazardous wastes when not managed in accordance with the universal waste regulations specified in LAC 33:V.Chapter 38;
- iii. Discarded/Spent heptane solvent waste generated within the Respondent's Quality Assurance/Quality Assurance Laboratory (QA/QC Lab) which have the potential to be classified as characteristic and/or listed hazardous waste. The Respondent was unable to provide a waste profile or waste characterization associated with waste heptane solvent generated within the Respondent's QA/QC Lab. Based upon the physical/chemical composition and use and discard of spent heptane solvent, the Department ultimately determined that this waste stream would be regulated as characteristic and listed hazardous waste when disposed (D001 and F005);
- iv. Abandoned, organic waste stored within two (2) frac tanks located north of Warehouse 6 and west of Warehouse 5 (a/k/a the Boneyard area). Specifically, the Respondent failed to determine whether the abandoned waste contents of two (2) frac tanks with markings that designated the frac containers as G357D (SD) and 1811 (EA) were hazardous waste.
- v. Three (3) areas of visibly-contaminated, unprotected, natural soils located north of Warehouse 6 and west of Warehouse 5 (a/k/a the Boneyard area). Specifically, the Respondent's representative was unable to identify the source, physical/chemical characteristics, and/or composition of three (3) areas of visibly-contaminated soils located within the Boneyard area.

- C. The Respondent caused and/or allowed the unauthorized disposal of hazardous waste, in violation of LAC 33:V.303.B. Specifically, the facility's historic discard of unpunctured/drained, spent, aerosol cans (regulated as D003 characteristic hazardous waste) and mercury-containing waste fluorescent lamps (regulated as D009 characteristic hazardous waste) ultimately resulted in the discard of hazardous waste at facilities not authorized to receive or dispose of hazardous waste.
- D. The Respondent caused and/or allowed the unauthorized disposal of hazardous waste, in violation of LAC 33:V.303.B. Specifically, spent heptane solvent waste generated in the lab was a hazardous waste (regulated as D001 and F005 characteristic and listed hazardous waste when disposed). Facility representatives were unable to provide documentation that this spent, heptane solvent hazardous waste had ever been transported to an authorized/permitted hazardous waste treatment, storage, disposal (TSD) facility for proper treatment/disposal.
- E. The Respondent failed to provide a secondary containment system that is sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water, in violation of LAC 33:V.4035.F.2 and LAC 33:V.4049.E.2. Specifically, spilled used oil was observed actively leaking from the drain of the secondary containment system of Tank Farm 9 to the concrete ditch that leads to Outfall 004. Additionally, water contaminated with used oil was observed leaking and weeping from the secondary containment walls such as near the walls and floor joints. This was also observed during the September 25, 2020 and January 25, 2021 inspections.
- F. The Respondent failed to store used oil in containers that were in good condition and were not leaking, in violation of LAC 33:V.4013.C.1 and LAC 33:V.4013.C.2. Specifically, several areas of the facility had used oil containers that were in poor condition and leaking used oil.
- G. The Respondent failed to clearly mark or label aboveground containers used to store used oil with the words "Used Oil," in violation of LAC 33:V.4035.H.1 and LAC 33:V.4049.G.1. Specifically, during the April 6, 2021 inspection, the Department observed approximately forty (40) tote containers storing used oil that were not labeled with the words "Used Oil."

- H. The Respondent failed to submit biennial used oil processor reports, in violation of LAC 33:V.4055.B. Specifically, the Respondent became an authorized used oil transfer/used oil processor facility in 2013. A file review conducted by the Department on or about May 7, 2021, revealed that the Respondent failed to submit biennial used oil processor reports for calendar years 2014, 2016, 2018 and 2020.

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Louisiana Solid Waste and Hazardous Waste Regulations.

II.

To immediately cease and desist, upon receipt of this **COMPLIANCE ORDER**, the unpermitted/unauthorized treatment, storage, and disposal of hazardous wastes.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, hazardous waste determination results on the wastes specified in Findings of the Fact Paragraph II.H and III.B. All waste shall be disposed of in accordance with the Hazardous Waste or Solid Waste Regulations, in accordance with applicable regulations governing the disposal and/or treatment of those hazardous or non-hazardous wastes.

IV.

To submit to the Office of Environmental Services, within seven (7) days after receipt of this **COMPLIANCE ORDER**, an updated and accurate HW-1 Form detailing the facility's hazardous waste activities and actual hazardous waste generator status.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure any discharge, spill, or leak into or on the water, air, or land of the state is reported to the Office of Environmental Compliance, in accordance with LAC 33:VII.315.F.

VI.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a Site Investigation Workplan that delineates the extent of contamination at the facility for review and approval

by the Department. The Respondent shall submit the Site Investigation Workplan in triplicate to the Office of Environmental Assessment, Remediation Division at P.O. Box 4314, Baton Rouge, LA 70821-4314, Attention: Estuardo Silva, Administrator. A copy of the Site Investigation Workplan shall also be submitted to the Enforcement Division.

VII.

To immediately implement, the approved Site Investigation Workplan in accordance with the timeframes specified within the Workplan.

VIII.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the facility or any other site that is not permitted to receive such waste.

IX.

To remove, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, all solid waste to a permitted or authorized solid waste disposal facility and submit documentation of proper disposal to the Enforcement Division within fifteen (15) days of completion.

X.

To repair and properly maintain, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a secondary containment system that is sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water, in accordance with LAC 33:V.4035.F.2 and LAC 33:V.4049.E.2.

XI.

To clearly mark or label, immediately upon receipt of this **COMPLIANCE ORDER**, all containers used to store used oil with the words "Used Oil," in accordance with LAC 33:V.4013.D.1, LAC 33:V.4035.H.1, and LAC 33:V.4049.G.1.

XII.

To store, immediately upon receipt of this **COMPLIANCE ORDER**, all used oil in containers that are in good condition and are not leaking, in accordance with LAC 33:V.4013.C.1 and LAC 33:V.4013.C.2.

XIII.

To store, immediately upon receipt of this **COMPLIANCE ORDER**, all containers used to store used oil in a properly maintained secondary containment system, in accordance with LAC 33:V.4035.E.1.a-c and LAC 33:V.4049.D.1.a-c.

XIV.

To immediately, upon receipt of this **COMPLIANCE ORDER**, institute procedures to ensure that biennial used oil processor reports are submitted to the Department by March 1 of each even-numbered year, in accordance with LAC 33:V.4055.B and submit used oil processor reports for calendar years 2014, 2016, 2018 and 2020.

XV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: **William Heintz**  
Re: **Enforcement Tracking No. MM-CN-21-00182**  
**Agency Interest No. 25963**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. MM-CN-21-00182**  
**Agency Interest No. 25963**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in

an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

**NOTICE OF POTENTIAL PENALTY**

I.

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.

II.

Prior to the issuance of additional appropriate enforcement action(s), 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 William Heintz at (225) 219-9782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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 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 violation(s) 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 that 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.

IV.


The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.


Baton Rouge, Louisiana, this 17<sup>th</sup> day of June, 2021.

  
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Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: William Heintz



|  |  |   |                       |
|--|--|---|-----------------------|
| LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY<br>OFFICE OF ENVIRONMENTAL COMPLIANCE<br>ENFORCEMENT DIVISION                      CONSOLIDATED COMPLIANCE ORDER &<br>POST OFFICE BOX 4312                      NOTICE OF POTENTIAL PENALTY<br>BATON ROUGE, LOUISIANA 70821-4312                      REQUEST TO CLOSE |  |  |                       |
| Enforcement Tracking No.   | MM-CN-21-00182   | Contact Name  | William Helntz        |
| Agency Interest (AI) No.   | 25963  | Contact Phone No.   | (225) 219-9782        |
| Alternate ID No.   | LAR000078691   |   |                       |
| Respondent:  | SMITTY'S SUPPLY, INC.  | Facility Name:  | Smitty's Supply, Inc. |
|  | c/o A. Bradley Berner, Attorney at Law   | Physical Location:  | 63399 Hwy 51 N        |
|  | Agent for Service of Process   |   |                       |
|  | 1250 Southwest Railroad Avenue<br>Suite 230A   | City, State, Zip:   | Roseland, LA 70456    |
|  | Hammond, LA 70403  | Parish:   | Tangipahoa            |
| <b>STATEMENT OF COMPLIANCE</b>   |  |   |                       |
| STATEMENT OF COMPLIANCE  |  | Date Completed  | Copy Attached?        |
| A written report was submitted in accordance with Paragraph XV of the "Order" portion of the COMPLIANCE ORDER.   |  |   |                       |
| All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) I - XIV - of the "Order" portion of the COMPLIANCE ORDER.   |  |   |                       |
| All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:   |  |   |                       |
| <b>SETTLEMENT OFFER (OPTIONAL)</b>   |  |   |                       |
| <i>(check the applicable option)</i>   |  |   |                       |
| <input type="checkbox"/>   | 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.Subpart1.Chapter7.  |   |                       |
| <input type="checkbox"/>   | In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-21-00182), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.   |   |                       |
| <input type="checkbox"/>   | In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-21-00182), 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. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>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.</b></li> </ul> |   |                       |
| <input type="checkbox"/>   | The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-21-00182) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.  |   |                       |
| <b>CERTIFICATION STATEMENT</b>   |  |   |                       |
| 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.                                     |  |   |                       |

|  |                                  |                           |
|--|----------------------------------|---------------------------|
| <i>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.</i> |                                  |                           |
|  |                                  |                           |
| <b>Respondent's Signature</b>  | <b>Respondent's Printed Name</b> | <b>Respondent's Title</b> |
|  |                                  |                           |
| <b>Respondent's Physical Address</b>   | <b>Respondent's Phone #</b>      | <b>Date</b>               |
| <b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>   |                                  |                           |
| Louisiana Department of Environmental Quality<br>Office of Environmental Compliance<br>Enforcement Division<br>P.O. Box 4312<br>Baton Rouge, LA 70821<br>Attn: William Heintz  |                                  |                           |





JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

SEP 17 2021

CERTIFIED MAIL (7020 1290 0001 0463 1200)  
RETURN RECEIPT REQUESTED

**SMITTY'S SUPPLY, INC.**  
c/o A. Bradley Berner, Attorney at Law  
Agent for Service of Process  
1250 Southwest Railroad Avenue Suite 230A  
Hammond, LA 70403

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-21-00234A  
AGENCY INTEREST NO. 25963**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **SMITTY'S SUPPLY, INC. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Jessie Canerday at (225) 219-3814 or [jessie.canerday@la.gov](mailto:jessie.canerday@la.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "L. Iturralde".

Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

LI/JSC/jsc  
Alt ID No. LA0127154 & LAG480352  
Attachment





c: Smitty's Supply, Inc.  
P.O. Box 530  
Roseland, LA 70456

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

|  |   |                                 |
|--|---|---------------------------------|
| <b>IN THE MATTER OF</b>                      | * |                                 |
|  | * |                                 |
| <b>SMITTY'S SUPPLY, INC.</b>                 | * | <b>ENFORCEMENT TRACKING NO.</b> |
| <b>TANGIPAHOA PARISH</b>                     | * |                                 |
| <b>ALT ID NOS. LA0127154 &amp; LAG480352</b> | * | <b>WE-CN-21-00234A</b>          |
|  | * |                                 |
|  | * | <b>AGENCY INTEREST NO.</b>      |
|  | * |                                 |
| <b>PROCEEDINGS UNDER THE LOUISIANA</b>       | * | <b>25963</b>                    |
| <b>ENVIRONMENTAL QUALITY ACT,</b>            | * |                                 |
| <b>La. R.S. 30:2001, ET SEQ.</b>             | * |                                 |

**AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-21-00234** issued to **SMITTY'S SUPPLY, INC. (RESPONDENT)** on April 19, 2021, in the above-captioned matter as follows:

I.

The Department hereby amends paragraphs I, V, V.A, V.E, V.G, V.I, and V.M.i, of the Findings of Fact to read as follows:

"I.

The Respondent owns and/or operates Smitty's Roseland Site, a blending and packaging facility for oil and other engine lubricants, located at 63399 Highway 51 N in Roseland, Tangipahoa Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG480352 effective on May 24, 2011, and modified on February 10, 2014. LPDES General Permit LAG480352 expired on November 30, 2015, but was administratively continued until the Respondent was issued LPDES Individual Permit LA0127154 on September 25, 2018, with an effective date of November 1, 2018. LPDES Permit LA0127154 will expire on October 31, 2023. Under the terms and conditions of LPDES Permit LA0127154, the Respondent is permitted to discharge treated sanitary effluent from Outfall 001, treated sanitary effluent previously monitored at internal Outfall

102 comingled with storm water runoff from Outfall 002, treated sanitary effluent from Outfall 003, storm water runoff from Outfall 004, treated sanitary effluent previously monitored at internal Outfalls 105 and 205 comingled with storm water runoff from Outfall 005, storm water runoff from Outfall 006, utility wastewater from boiler blowdown from Outfall 007, and storm water runoff from Outfall 008 into local drainage, thence to the Tangipahoa River (subsegment 040701), all waters of the state. Effective January 1, 2013, the Respondent was automatically covered under the Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000.

V.

On or about March 3, 2020, September 25, 2020, January 22, 2021, January 25, 2021, January 29, 2021, February 5, 2021, February 9, 2021, February 22, 2021, March 9, 2021, and March 25, 2021, inspections were conducted at the above referenced facility in response to multiple citizen's complaints, and subsequent file reviews were conducted on or about April 15, 2021, and August 12, 2021, to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. The Respondent failed to comply with LPDES permit LA0127154. Specifically, a review of Discharge Monitoring Reports (DMRs) between November 2018 and June 2021, revealed that the Respondent reported exceedances of permit effluent limitations for COD, BOD, oil & grease, pH, TOC, TSS, and fecal coliform (see Table 1). In addition, the Department sampled the effluent at Outfall 004 during the January 25, 2021, inspection and split the samples with the Respondent. Analysis results revealed that the effluent exceeded the permit effluent limitations for oil & grease and COD (see Table 1). The failure to comply is in violation of LPDES Permit LA0127154 (Permit Requirements, Effluent Limitations and Monitoring Requirements, pages 1-21 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- E. The Respondent failed to comply with LPDES permit LA0127154. Specifically, inspections conducted on or about January 22, 2021, January 25, 2021, and February 9, 2021, revealed that the Respondent failed to keep a daily visual sheen logs for Outfalls 002, 004, 005, 006, and 008. In an email dated April 1, 2021, a representative of the Respondent stated that daily visual sheen logs were not completed prior to January 22, 2021. In addition, the daily visual observation logs for Outfalls 002, 004, and 005 from February 22, 2021, through March 30,

2021, were attached to the email. A review of these logs revealed that daily visual sheen logs for Outfall 005 were completed weekly, not daily as required by the permit. The failure to comply is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-4, pages 4, 10, 12, 18, & 22 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.J.3, and LAC 33:IX.2701.A.

G. The Respondent failed to comply with LPDES permit LA0127154, by not maintaining waters of the state in accordance with the Water Quality Regulations. Specifically:

- i. At the time of the September 25, 2020, inspection, a visible sheen was discharging from Outfall 004 to the receiving stream.
- ii. At the time of the January 25, 2021, inspection, discharges from Outfalls 002, 004, 005, 006, and 008 contained free oil or oily material. Oil-contaminated water was observed throughout the Highway 51 roadside ditch in front of the facility.
- iii. At the time of the January 29, 2021, inspection, Outfalls 002 and 005 had a visible sheen in the receiving stream.
- iv. At the time of the February 5, 2021, inspection, Outfalls 002, 004, and 005 had a visible sheen in the receiving stream.
- v. The Respondent reported that spilled oil flowed over an outfall gate and discharged to the roadside ditch on February 6 and 8, 2021. On February 9, 2021, the inspector observed oil, emulsified oil, and sheen in the roadside ditch, downstream from Outfall 004.
- vi. On February 22, 2021, the Respondent reported that oil discharged from Outfalls 002 and 004 to the roadside ditch. The inspector observed oil and sheen in the roadside ditch downstream from Outfalls 002 and 004.
- vii. On March 24, 2021, the Respondent reported that rain water overloaded the oil water separator and oil discharged from Outfall 004 into the roadside ditch.
- viii. On March 25, 2021, the Respondent reported that oil was discharged from Outfall 004 to the roadside ditch when two (2) drains to secondary containment were left open and unsupervised. During an inspection conducted on or about March 25, 2021, the inspector observed oil and sheen in the roadside ditch downstream from Outfall 004.

The discharge of oil to waters of the state is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-3, pages 4, 10, 12, 18, and 22 of 25 and Standard

Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A, and LAC 33:IX.1113.B.1.b.

- I. The Respondent failed to comply with LPDES permit LA0127154. Specifically, the Respondent failed to submit a noncompliance report (NCR) timely. The Respondent is required to submit all instances of noncompliance, not reported under Sections D.4-6 in Standard Conditions for LPDES Permits, at the time that DMRs are submitted. A NCR for the oil-contaminated discharge observed during the September 25, 2020, inspection (see Paragraphs G and H) was due with the submission of the September 2020 DMRs. The Respondent submitted the NCR with a response dated May 19, 2021. The failure to comply is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-4, pages 4, 10, 12, 18, and 22 of 25 and Standard Conditions for LPDES Permits, Sections A.2 & D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A
- M. The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP) and the Spill Prevention and Control (SPC) plan. Specifically, the following was revealed during the inspections:
  - i. The Respondent failed to maintain drains and/or valves in the closed/locked position when not under supervised discharge, in accordance with the facility's SPC plan and SWPPP. Specifically, drains and/or valves for the secondary containment for Tank Farms 1 and 14, the new tank farm, and the fuel containment area of the Rail Spur were not capped or were in the open position while unsupervised during the January 25, 2021, inspection. On March 25, 2021, a representative of the Respondent reported, and an inspection revealed, that oil and sheen discharged from Outfall 004, because an employee opened two (2) drains to the secondary containment of Tank Farm 9. The representative of the Respondent stated that the draining of the secondary containment was not supervised.

Paragraph M.i is the failure to implement the SPC plan and is a violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.B. Paragraph M.i is also the failure to meet all conditions of the SWPPP and is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-6 through N-21, pages 24-25 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.”



II.

The Department hereby adds paragraphs V.M.iii and V.N-U to the Findings of Fact portion of the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** which shall read as follows:

“V.

M. The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP) and the Spill Prevention and Control (SPC) plan. Specifically, the following was revealed during the inspections:

iii. The Respondent failed to properly clean up spilled oil within the facility. Specifically, during the January 22, 2021, inspection, a representative of the Respondent told the inspector that the oil discharged from Outfall 002 was due to a spill that occurred within the facility on or about January 13, 2021, that was not cleaned up properly. During the February 9, 2021, February 22, 2021, and March 25, 2021, inspections, the inspector observed oil and staining from a previous spill that was not cleaned up properly.

Paragraph M.iii is the failure to implement the SPC plan and is in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.B. Paragraph M.iii is also the failure to meet all conditions of the SWPPP and is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-6 through N-21, pages 24-25 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

N. The Respondent failed to comply with LPDES permit LA0127154 and maintain waters of the state in accordance with the Water Quality Regulations. Specifically, the Respondent allowed oil to discharge from Outfall 002 to waters of the state, including the Tangipahoa River, which is designated as a scenic stream and for primary contact recreational use. On January 22, 2021, the inspector observed extensive emulsified oil in the concrete ditch which drains to Outfall 002 and in the La. Highway 51 roadside ditch. The inspector also observed oil and sheen from Outfall 004. Oil migrated to two (2) ponds located south of La. Highway 10 and to the Tangipahoa River. Oil/sheen/wax was observed in the Tangipahoa River as far north as the La. Highway 10 Bridge and as far south as the La. Highway 40 Bridge. The failure to comply with LPDES permit LA0127154 and maintain waters of the state in accordance with the Water Quality Regulations is in violation of LPDES permit LA0127154 (Permit Requirements,

Narrative Requirements, N-3, page 4 or 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.1113.B.1.b, and LAC 33:IX.1113.B.6.

- O. The Respondent failed to notify the DPS Louisiana Emergency Hazardous Materials Hotline within one (1) hour of learning of a discharge that caused an emergency condition. Specifically, the extent of the release described in paragraph V.N of the "Findings of Fact" portion could reasonably be expected to cause significant adverse impact to the land and water, causing an emergency condition. The Tangipahoa River is designated as a scenic stream and for primary contact recreational use. In addition, it is impaired for fish and wildlife propagation. On January 22, 2021, the Department received a complaint regarding an oil slick in the river. At 10:45 a.m., the Department notified the Respondent that there were complaints of a sheen in the Tangipahoa River. At approximately 1:15 p.m., the inspector arrived at the facility and observed a solid layer of oil in the concrete ditch that drains to Outfall 002. A representative of the Respondent stated that one (1) vacuum truckload of oil had already been removed from the concrete ditch, indicating the Respondent was aware of the release long enough to dispatch a vacuum truck and remove an entire load of oil from the concrete ditch. In addition, the Respondent reported on the seven (7) day written report, that the release was discovered at 10:00 am. The Respondent did not call the DPS Louisiana Emergency Hazardous Materials Hotline until 1:14 p.m. The failure to notify the DPS Louisiana Emergency Hazardous Materials Hotline within one (1) hour of learning of a discharge that caused an emergency condition is in violation of La. R.S. 30:2076(A)(3) and LAC 33:I.3915.A.1.
- P. The Respondent failed to comply with LPDES permit LA0127154. Specifically, the Respondent failed to submit an accurate quarterly Discharge Monitoring Report (DMR) for January-March 2021. The Respondent did not complete DMRs in accordance with the instructions on EPA Form 3320-1. The instructions require that "No Discharge" be reported only if "no discharge" occurred during the monitoring period. The inspector observed a discharge from Outfall 105 at the time of inspection. The Respondent reported that there was no discharge from Outfall 105 on the January – March 2021 quarterly DMR. The failure to complete DMRs in accordance with the instructions on EPA Form 3320-1 is in violation of LPDES Permit LA0127154 (Permit Requirements, Effluent Limitations and Monitoring

- Requirements, page 13 of 25 and Standard Conditions for LPDES Permits, Sections A.2 & D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.iv.
- Q. The Respondent failed to sample the effluent from Outfall 105 on a quarterly basis as required by LPDES Permit LA0127154. Specifically, the inspector observed evidence of a discharge from Outfall 105 at the time of the March 9, 2021, inspection. In an email dated April 2, 2021, a representative of the Respondent stated that a sample was not collected for Outfall 105 during the January-March 2021 monitoring period. The failure to sample is in violation of LPDES Permit LA0127154 (Permit Requirements, Effluent Limitations and Monitoring Requirements, page 13 of 25 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
- R. The Respondent failed to maintain waters of the state in accordance with the general criteria. Specifically, during the March 9, 2021, inspection, solids were observed discharging from Outfall 105 to the Step Toe Road ditch. Outfalls 105 and 205 are permitted as internal outfalls but discharge to the Step Toe Road ditch, where the effluent comingles with waters of the state (see email dated August 19, 2021). The failure to maintain waters of the state in accordance with the general criteria is in violation of La. R.S. 30:2076(A)(3) and LAC 33:1113.B.3.
- S. The Respondent failed to comply with LPDES permit LA0127154. Specifically, the Respondent failed to submit NCRs. The Respondent is required to submit all instances of noncompliance, not reported under Sections D.4-6 in Standard Conditions for LPDES Permits, at the time that DMRs are submitted. NCRs for the oil-contaminated discharges described in Paragraphs V.G.ii-viii, the oil-contaminated discharges documented on the daily visual sheen logs for February and March 2021, and the solids discharged from Outfall 105 described above in Paragraph V.R were due April 28, 2021. As of the file review date, the Department has not received the NCRs. The failure to comply is in violation of LPDES permit LA0127154 (Permit Requirements, Narrative Requirements, N-4, pages 4, 10, 12, 18, and 22 of 25 and Standard Conditions for LPDES Permits, Sections A.2 & D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A.
- T. The Respondent failed to comply with Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000. Specifically, the Respondent failed to submit annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms for the years 2016 through 2020. The failure to comply is in violation of Sewage Sludge and Biosolids Use or Disposal General Permit

LAJ660000 (Part II, Section C.1 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.7313.A.2.

- U. The Respondent failed to ensure that the transporter of sewage sludge possessed a valid Transporter of Sewage Sludge Registration from the LDEQ. Specifically, on or about October 22, 2020, Big 4 Trucking, Inc. used a vacuum truck to pump approximately 200 gallons of sewage from the sewage treatment plant which discharges from Outfall 105; the sewage was discharged from the vacuum truck to another onsite sewage treatment plant which discharges from Outfall 102. Big 4 Trucking, Inc. is not a registered hauler of sewage sludge. The failure to ensure that the transporter of sewage sludge possessed a valid Transporter of Sewage Sludge Registration from the LDEQ is in violation of Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 (Part I, Section D; Part II, Section A.1; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.7313.A.2.”

III.

The Department hereby adds paragraphs VI-X to the Order portion of the **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** which shall read as follows:

“VI.

To submit a completed LPDES Permit Application or a major modification to the Water Permits Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**. As discussed in paragraph V.R of the “Findings of Fact” portion of this Order, Outfalls 105 and 205 discharge to the Step Toe Road drainage ditch. The completed LPDES Permit Application or the major modification must address Outfalls 105 and 205 and correctly describe these outfalls as external. The completed LPDES Permit Application must address all outfalls at the facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25. The three sets (the original and two copies) of the completed permit application should be submitted to the Water Permits Division at:

Department of Environmental Quality  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Water Permits Division

A copy of the permit application should also be sent to the Enforcement Division.

**VII.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the NCRs mentioned in Paragraph V.S of the "Findings of Fact" portion of this Order.

**VIII.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, copies of the daily visual sheen logs for the year 2021.

**IX.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms referenced in Paragraph V.T of the "Findings of Fact" portion of this Order.

**X.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, a written report that includes a detailed description of the circumstances surrounding the cited violations added in this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** and actions taken or to be taken to achieve compliance with the Order Portion of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**. This report and all other reports or information required to be submitted to the Enforcement Division by this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: **Jessie Canerday**  
Re: **Enforcement Tracking No. WE-CN-21-00234A**  
**Agency Interest No. 25963"**

IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-21-00234** and **AGENCY INTEREST NO. 25963** as if reiterated herein.

V.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 17<sup>th</sup> day of September, 2021.



\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
Post Office Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Jessie Canerday

Table 1. LA0127154 Effluent Limit Exceedances

| Date       | Outfall | Parameter   | Permit Limit | Sample Value  |
|------------|---------|---|--------------|---------------|
| 01/31/2019 | 005A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 2580 mg/L     |
| 02/28/2019 | 002A    | pH Instantaneous Maximum                              | 9 SU         | 9.32 SU       |
| 02/28/2019 | 004A    | Oil & Grease Daily Maximum                            | 15 mg/L      | 15.6 mg/L     |
| 03/31/2019 | 001Q    | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L      | 97.7 mg/L     |
| 03/31/2019 | 001Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 97.7 mg/L     |
| 03/31/2019 | 001Q    | Coliform, fecal general Daily Maximum                 | 400 #/100mL  | 510 #/100mL   |
| 03/31/2019 | 001Q    | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL  | 510 #/100mL   |
| 03/31/2019 | 002A    | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L      | 59.9 mg/L     |
| 03/31/2019 | 002A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 196 mg/L      |
| 03/31/2019 | 102Q    | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L      | 52.9 mg/L     |
| 03/31/2019 | 102Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 52.9 mg/L     |
| 03/31/2019 | 102Q    | Solids, total suspended Daily Maximum                 | 45 mg/L      | 148 mg/L      |
| 03/31/2019 | 102Q    | Solids, total suspended Monthly Average               | 30 mg/L      | 148 mg/L      |
| 03/31/2019 | 105Q    | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L      | 97.1 mg/L     |
| 03/31/2019 | 105Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 97.1 mg/L     |
| 03/31/2019 | 105Q    | Solids, total suspended Daily Maximum                 | 45 mg/L      | 59 mg/L       |
| 03/31/2019 | 105Q    | Solids, total suspended Monthly Average               | 30 mg/L      | 59 mg/L       |
| 03/31/2019 | 205Q    | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L      | 34.4 mg/L     |
| 05/31/2019 | 004A    | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L      | 93.7 mg/L     |
| 05/31/2019 | 004A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 326 mg/L      |
| 06/30/2019 | 001Q    | Coliform, fecal general Daily Maximum                 | 400 #/100mL  | >2000 #/100mL |
| 06/30/2019 | 001Q    | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL  | >2000 #/100mL |
| 06/30/2019 | 005A    | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L      | 138 mg/L      |
| 06/30/2019 | 005A    | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L     | 467 mg/L      |
| 06/30/2019 | 102Q    | Coliform, fecal general Daily Maximum                 | 400 #/100mL  | 1650 #/100mL  |
| 06/30/2019 | 102Q    | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL  | 1650 #/100mL  |
| 06/30/2019 | 102Q    | Solids, total suspended Monthly Average               | 30 mg/L      | 31 mg/L       |

|            |      |   |             |               |
|------------|------|---|-------------|---------------|
| 06/30/2019 | 105Q | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L     | 332 mg/L      |
| 06/30/2019 | 105Q | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L     | 332 mg/L      |
| 06/30/2019 | 105Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | >2000 #/100mL |
| 06/30/2019 | 105Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | >2000 #/100mL |
| 06/30/2019 | 105Q | Solids, total suspended Daily Maximum                 | 45 mg/L     | 56 mg/L       |
| 06/30/2019 | 105Q | Solids, total suspended Monthly Average               | 30 mg/L     | 56 mg/L       |
| 07/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 172 mg/L      |
| 08/31/2019 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 130 mg/L      |
| 08/31/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 251 mg/L      |
| 08/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 549 mg/L      |
| 09/30/2019 | 001Q | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L     | 42.2 mg/L     |
| 09/30/2019 | 001Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 001Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 001Q | Solids, total suspended Monthly Average               | 30 mg/L     | 42 mg/L       |
| 09/30/2019 | 003Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 003Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL  |
| 09/30/2019 | 003Q | Solids, total suspended Monthly Average               | 30 mg/L     | 32 mg/L       |
| 09/30/2019 | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 78.4 mg/L     |
| 09/30/2019 | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 495 mg/L      |
| 09/30/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 79.7 mg/L     |
| 09/30/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 349 mg/L      |
| 09/30/2019 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | >1000 #/100mL |
| 09/30/2019 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | >1000 #/100mL |
| 10/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 165 mg/L      |
| 11/30/2019 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 145 mg/L      |
| 11/30/2019 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 526 mg/L      |
| 11/30/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 1950 mg/L     |
| 11/30/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 1920 mg/L     |
| 12/31/2019 | 001Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL  |



|            |      |   |             |              |
|------------|------|---|-------------|--------------|
| 12/31/2019 | 001Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 12/31/2019 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 71.4 mg/L    |
| 12/31/2019 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 276 mg/L     |
| 12/31/2019 | 003Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 003Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 12/31/2019 | 003Q | Solids, total suspended Daily Maximum                 | 45 mg/L     | 47 mg/L      |
| 12/31/2019 | 003Q | Solids, total suspended Monthly Average               | 30 mg/L     | 47 mg/L      |
| 12/31/2019 | 005A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 105 mg/L     |
| 12/31/2019 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 308 mg/L     |
| 12/31/2019 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 12/31/2019 | 205Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 12/31/2019 | 205Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 01/31/2020 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 144 mg/L     |
| 01/31/2020 | 005A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 477 mg/L     |
| 06/30/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 128 mg/L     |
| 06/30/2020 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 06/30/2020 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 06/30/2020 | 102Q | Solids, total suspended Monthly Average               | 30 mg/L     | 31 mg/L      |
| 08/31/2020 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 524 mg/L     |
| 08/31/2020 | 002A | Oil & Grease Daily Maximum                            | 15 mg/L     | 139 mg/L     |
| 08/31/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 2380 mg/L    |
| 09/30/2020 | 102Q | Coliform, fecal general Daily Maximum                 | 400 #/100mL | 1000 #/100mL |
| 09/30/2020 | 102Q | Coliform, fecal general Monthly Average Geometric     | 200 #/100mL | 1000 #/100mL |
| 10/31/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 136 mg/L     |
| 12/31/2020 | 002A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 173 mg/L     |
| 12/31/2020 | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 560 mg/L     |
| 12/31/2020 | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L     | 179 mg/L     |
| 12/31/2020 | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L    | 572 mg/L     |

|             |      |   |          |           |
|-------------|------|---|----------|-----------|
| 01/25/2021* | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 194 mg/L  |
| 01/25/2021* | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 450 mg/L  |
| 01/31/2021  | 002A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 128 mg/L  |
| 01/31/2021  | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 142 mg/L  |
| 01/31/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 580 mg/L  |
| 02/28/2021  | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L  | 51.9 mg/L |
| 02/28/2021  | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 21.2 mg/L |
| 02/28/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 263 mg/L  |
| 03/31/2021  | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L  | 96 mg/L   |
| 03/31/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 364 mg/L  |
| 03/31/2021  | 102Q | BOD, 5-day, 20 deg. C Daily Maximum                   | 45 mg/L  | 159 mg/L  |
| 03/31/2021  | 102Q | BOD, 5-day, 20 deg. C Monthly Average                 | 30 mg/L  | 159 mg/L  |
| 03/31/2021  | 102Q | Solids, total suspended Daily Maximum                 | 45 mg/L  | 90 mg/L   |
| 03/31/2021  | 102Q | Solids, total suspended Monthly Average               | 30 mg/L  | 90 mg/L   |
| 04/30/2021  | 005A | Oil & Grease Daily Maximum                            | 15 mg/L  | 42 mg/L   |
| 05/31/2021  | 004A | Carbon, tot organic [TOC] Daily Maximum               | 50 mg/L  | 63.7 mg/L |
| 05/31/2021  | 004A | Oil & Grease Daily Maximum                            | 15 mg/L  | 42.5 mg/L |
| 05/31/2021  | 004A | Oxygen demand, chem. [high level] [COD] Daily Maximum | 125 mg/L | 276 mg/L  |

\*Sampled by the Department during January 25, 2021, inspection