

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CUSTOM PROCESS EQUIPMENT, L.L.C.

AI # 33893

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT**

LA. R.S. 30:2001, ET SEQ.

* **Settlement Tracking No.**

* **SA-AE-24-0016**

*

* **Enforcement Tracking No.**

* **AE-PP-20-00209**

*

*

*

*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Custom Compression Systems, L.L.C., the surviving entity of a merger between Custom Compression Systems, L.L.C. and Custom Process Equipment, L.L.C. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owned and/or operated a surface coating and fabrication facility located in Carencro, Lafayette Parish, Louisiana (“the Facility”).

II

On September 29, 2020, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-20-00209 (Exhibit 1).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00), of which One Thousand Five Hundred Eighty-Nine and 41/100 Dollars (\$1,589.41) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This Settlement Agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement is being made in the interest of settling the state's claims and

avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and Settlement Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

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

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Lafayette Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**CUSTOM COMPRESSIONS SYSTEMS,
L.L.C.**

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)


**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance


THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 

Jerrie "Jerry" Lang, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	AE-PP-20-00209	Certified Mail No.	7018 0680 0000 1999 5866	
Agency Interest (AI) No.	33893	Contact Name	Alicia B. Ryan	
Alternate ID No.	1520-00095	Contact Phone No.	225-219-3374	
Respondent:	Custom Process Equipment, L.L.C.	Facility Name:	Carencro Facility	
	c/o Miriam W. Henry, Esq.	Physical Location:	4727 NW Evangeline Thoroughway	
	Agent for Service of Process	City, State, Zip:	Carencro, LA 70520	
	Jones Walker 201 St. Charles Avenue, 51st Floor New Orleans, LA 70170	Parish:	Lafayette	

This NOTICE OF POTENTIAL PENALTY is issued 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 30:2050.3(B).

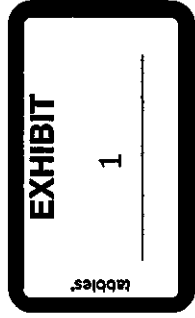
FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.	The Respondent owns and/or operates the Carencro Facility (the facility), an existing surface coating and fabrication facility, located at 4727 NW Evangeline Thoroughway in Carencro, Lafayette Parish, Louisiana. The facility currently operates under Air Permit No. 1520-00095-01, issued on May 30, 2014. On August 30, 2019, a citizen complaint was received by the Department regarding uncontrolled particulate emissions that were being emitted from the facility's blasting and painting operations (Incident report No. 193047).	
	Date of Violation	Description of Violation
II.	Inspection(s) 8/30/2019	The facility shall either fully enclose the item, or surround the structure to be blasted per LAC 33:III.1329.A.1 or prepare and implement a best management practices (BMP) plan per LAC 33:III.1329.A.2 The Respondent chose to develop a BMP plan; however, the Respondent failed to implement the BMP plan. The facility's BMP plan requires the blasting area to be fully enclosed on all sides, have tarps with overlapping seams to prevent leakage, and repair tears in the tarps prior to use. The facility has two (2) sheds, one (1) for blasting and one (1) for painting. At the time of the inspection, the blasting curtain on the blasting shed had numerous tears and the seams were not overlapping. Additionally, gaps on the left, right, and bottom of the curtain prevented the blasting area from being fully enclosed. Abrasive blasting was occurring at the time of the inspection and particulate emissions were occurring from the gaps and seams. The Respondent chose to follow a BMP plan, therefore the failure to implement the BMP plan is a violation of Specific Requirement No. 6 of Air Permit No. 1260-00185-01, LAC 33:III.501.C.4, LAC 33:III.1329.A.2, and La. R.S. 30:2057(A)(2). The Department's Inspector returned to the facility on or about October 1, 2019. There was active blasting at the facility; however, no visible emissions were noted and an extra blasting curtain had been added to control particulate emissions. According to the Warning Letter, AE-L-20-00209, response dated March 23, 2020, the blasting curtains were repaired to eliminate any holes.
III.	Inspection(s) 8/30/2019	The Respondent failed to take all reasonable precautions to control particulate emissions during abrasive blasting operations. Large amounts of particulate matter were escaping the blasting shed, especially when the employee was blasting towards the curtain. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement No. 1 of Air Permit No. 1260-00185-01, LAC 33:III.501.C.4, LAC 33:III.1305.A, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). The Department's Inspector returned to the facility on or about October 1, 2019. There was active blasting at the facility; however, no visible emissions were noted and an extra blasting curtain had been added to control particulate emissions.
IV.	Inspection(s) 8/30/2019	The Respondent failed to repair the tarp that had multiple tears greater than six (6) inches in length prior to use. At the blasting shed, the bottom center of blasting curtain had several tears that were approximately one (1) foot in length. The failure to repair a tarp prior to use if multiple tears greater than six (6) inches are present is a violation of Specific Requirement No. 10 of Air Permit No. 1260-00185-01, LAC 33:III.501.C.4, LAC 33:III.1329.C.3, and La. R.S. 30:2057(A)(2). According to the Warning Letter, AE-L-20-00209, response dated March 23, 2020, the blasting curtains were repaired to eliminate any holes.
V.	Inspection(s) 8/30/2019	The Respondent failed to ensure the blasting tarps had overlapping seams to prevent leakage of particulate matter. The right side of the blasting curtain had a gap that was one (1) foot wide and extended the full height of the blasting curtain, and the left side of the blasting curtain had a large gap around some air equipment. Particulate matter was observed escaping containment through these gaps. The failure to ensure that tarps have overlapping seams to prevent leakage of particulate matter is a violation of Specific Requirement No. 8 of Air Permit No. 1260-00185-01, LAC 33:III.501.C.4, LAC 33:III.1329.C.1, and La. R.S. 30:2057(A)(2). The Department's inspector returned to the facility on or about October 1, 2019. There was active blasting at the facility; however, no visible emissions were noted and an extra blasting curtain had been added to control particulate emissions.

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 Alicia B. Ryan at 225-219-3374 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 in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.
V.	To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.


CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Alicia B. Ryan	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY

To expedite closure of the NOTICE OF POTENTIAL PENALTY, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.

- The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Alicia B. Ryan at 225-219-3374 or alicia.ryan@la.gov.




 Lourdes Iturraide
 Assistant Secretary
 Office of Environmental Compliance

Date: 9-29-2020

c: CUSTOM PROCESS EQUIPMENT, L.L.C.-Carencro
 Mr. Todd Spinosa
 4727 NW Evangeline Thoroughway
 Carencro, LA 70520

Attachment(s)
 - Request to Settle

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312					
NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE (OPTIONAL)					
Enforcement Tracking No.	AE-PP-20-00209	Contact Name	Alicia B. Ryan		
Agency Interest (AI) No.	33893	Contact Phone No.	225-219-3374		
Alternate ID No.	1520-00095				
Respondent:	Custom Process Equipment, L.L.C.	Facility Name:	Carencro Facility		
	c/o Miriam W. Henry, Esq.	Physical Location:	4727 NW Evangeline Throughway		
	Agent for Service of Process				
	Jones Walker 201 St. Charles Avenue, 51st Floor New Orleans, LA 70170	City, State, Zip:	Carencro, LA 70520		
		Parish:	Lafayette		
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 33:11.Subpart1.Chapter7.					
<input type="checkbox"/> In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-20-00209), 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 NOTICE OF POTENTIAL PENALTY (AE-PP-20-00209), 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"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM - the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 					
<input type="checkbox"/> The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-20-00209) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.					
CERTIFICATION STATEMENT					
I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.					
Respondent's Signature		Respondent's Printed Name		Respondent's Title	
Respondent's Physical Address		Respondent's Phone #		Date	
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:					
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Alicia B. Ryan					

If you have questions or need more information, you may contact Alicia B. Ryan at 225-219-3374 or alicia.ryan@la.gov.