

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**TRITON STONE GROUP NEW ORLEANS,
LLC**

AI # 220934

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

* **Settlement Tracking No.**
* **SA-AE-25-0060**
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* **Enforcement Tracking No.**
* **AE-CN-22-00876**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Triton Stone Group New Orleans, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a granite facility that operated an air curtain incinerator located in New Orleans, Orleans Parish, Louisiana (“the Facility”).

II

On March 5, 2025, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-22-00876 (Exhibit 1).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

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

V

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 TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), of which One Thousand Four Hundred Ten and 70/100 Dollars (\$1,410.70) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement 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.

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Orleans 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.

XI

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 Accounts Receivable, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XII

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

XIII

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.

**TRITON STONE GROUP NEW
ORLEANS, LLC**

BY: _____
(Signature)

(Printed)

TITLE: _____

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)


**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Courtney J. Burdette, 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

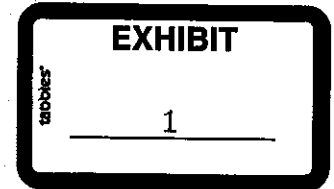
JEFF LANDRY
GOVERNOR



AURELIA S. GIACOMETTO
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAR 05 2025



CERTIFIED MAIL (7021 1970 0000 3978 7902)
RETURN RECEIPT REQUESTED

TRITON STONE GROUP NEW ORLEANS, LLC
c/o Cogency Global Inc.
Agent for Service of Process
4459B Bluebonnet Blvd.
Baton Rouge, LA 70809

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-22-00876
AGENCY INTEREST NO. 220934**

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 **TRITON STONE GROUP NEW ORLEANS, LLC (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 Stephanie Cernich at 225-219-3165 or Stephanie.Cernich2@la.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/SAC/sac
Alt ID No. LA0000002207100746
Attachment

c: TRITON STONE GROUP NEW ORLEANS, LLC
c/o Katie Peralta
6131 River Road
Harahan, LA 70123

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

IN THE MATTER OF

**TRITON STONE GROUP NEW ORLEANS, LLC
ORLEANS PARISH
ALT ID NO. LA0000002207100746**

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

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*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-22-00876**
*
* **AGENCY INTEREST NO.**
*
* **220934**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **TRITON STONE GROUP NEW ORLEANS, LLC (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 **TRITON STONE INDUSTRIAL YARD (FACILITY)**, a granite facility that operates an air curtain incinerator (ACI), located at 6000 Jourdan Road in New Orleans, Orleans Parish, Louisiana. The Facility currently operates under the authority of the Title V Air Permit No 2140-00746-V0 issued on October 12, 2020, which expires on October 12, 2025. The facility receives granite on wooden crates, and the ACI is operated to destroy the wooden crates. Although the facility's potential to emit is below the major source thresholds for all pollutants, the ACI is subject to 40 CFR 60 Subpart CCCC, which requires the ACI to operate under a Title V permit.

II.

On or about April 20, 2022, the Department conducted a full compliance evaluation inspection to determine the Respondent's degree of compliance with the Louisiana Environmental Quality Act (the

Act), the Air Quality Regulations, and the applicable permit. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and subsequent file review conducted on February 18, 2025.

- A. The Respondent failed to use and/or diligently maintain the installed air pollution control facility in proper working order whenever any emissions were being made which can be controlled by the facility. Specifically, during the inspection on April 20, 2022, wood waste was burning in the ACI (EQT 0001) without the air curtain function operating. The ACI was serving as an open-top containment vessel for the burning wood waste. A representative of the Respondent stated that the air curtain function of the ACI and the engine used to power the ACI are primarily used to assist with starting the fire and then turned off, leaving the pile of wood waste to open burn. According to the representative of the Respondent, the Facility does not continuously operate the ACI while burning material and allows the wood waste to open burn. The failure to operate the air curtain function while open burning wood waste in the ACI is a violation of Specific Requirement 44 of Title V Air Permit No. 2140-00746-V0, LAC 33:III.905, LAC 33:III.1109.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to maintain the following required records:

1.	Daily Operating Time Records	EQT 0001 Air Curtain Incinerator	10/12/2020 through 4/20/2022	Maintain daily records of hours of operation onsite and available for review.	Specific Requirement 16
2.	Opacity Test Result Records	EQT 0001 Air Curtain Incinerator	10/12/2020 through 4/20/2022	Keep records of all opacity test results onsite for at least 5 years and available for review.	Specific Requirement 9; 40 CFR 60.2260
3.	Records of Maintenance	EQT 0002 12.5 HP Diesel Engine (Kubota Z482-E3)	10/12/2020 through 4/20/2022	Keep a maintenance plan and records of conducted maintenance.	Specific Requirement 29; 40 CFR 60.4211(g)(1)

Each failure to maintain the required records on site and available for review is a violation of the applicable Specific Requirements of Title V Air Permit No. 2140-00746-V0 and the associated requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In electronic correspondence dated April 20, 2022 and May 3, 2022, the Department requested the Respondent to provide the records listed in Table A. As of February 18, 2025, the Department has not received the aforementioned records. In electronic correspondence dated September 3, 2024, a

representative of the Respondent stated open burning at the facility ceased approximately one year ago.

C. The Respondent failed to meet the following reporting requirements:

1.	2020 Title V Second Semi-Annual Monitoring Report	Submit a certified semiannual report to the Office of Environmental Compliance by March 31 for the preceding period July through December.	3/31/2021	4/30/2021	Specific Requirement 41; LAC 33:III.535.General Condition K
2.	2020 Title V Annual Compliance Certification	The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year.	3/31/2021	4/30/2021	Specific Requirement 41; LAC 33:III.535.General Condition M
3.	Initial Opacity Test Results Report	Emission Point ACI (EQT 0001) initial opacity test results shall be submitted on or before the applicable submittal date.	Within 60 days of initial opacity test	Not submitted	Specific Requirement 6; 40 CFR 60.2260(e)
4.	2020 Annual Hours of Operation Report	Emission Point ACI (EQT 0001) hours of operation shall be reported to the Enforcement Division by March 31 for the preceding calendar year.	3/31/2021	Not submitted	Specific Requirement 18
5.	2021 Title V First Semi-Annual Monitoring Report	The certified semiannual report shall be submitted to the Office of Environmental Compliance by September 30 for the preceding period January through June.	October 31, 2021 (extended)	6/6/2022	Specific Requirement 41; LAC 33:III.535.General Condition K
6.	2021 Title V Second Semi-Annual Monitoring Report	Submit a certified semiannual report to the Office of Environmental Compliance by March 31 for the preceding period July through December.	3/31/2022	6/3/2022	Specific Requirement 41; LAC 33:III.535.General Condition K
7.	2021 Title V Annual Compliance Certification	The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year.	3/31/2022	6/3/2022	Specific Requirement 41; LAC 33:III.535.General Condition M
8.	2021 Criteria Pollutant Emissions Certification Statement	Submit annually Emissions Inventory and Certification Statement by April 30 for the previous calendar year.	4/30/2022	Not submitted *	Specific Requirement 45; LAC 33:III.919.F.1.d
9.	2021 Opacity Test Results Report	Emission Point ACI (EQT 0001) annual opacity test results shall be submitted on or before the applicable submittal date.	Within 12 months of previous opacity report	Not submitted	Specific Requirement 6; 40 CFR 60.2260(e)
10.	2021 Annual Hours of Operation Report	Emission Point ACI (EQT 0001) hours of operation shall be reported to the Enforcement Division by March 31 for the preceding calendar year.	3/31/2022	Not submitted	Specific Requirement 18
11.	2022 Title V Second Semi-Annual Monitoring Report	Submit a certified semiannual report to the Office of Environmental Compliance by March 31 for the preceding period July through December.	3/31/2023	4/27/2023	Specific Requirement 41; LAC 33:III.535.General Condition K
12.	2022 Title V Annual Compliance Certification	The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year.	3/31/2023	4/27/2023	Specific Requirement 41; LAC 33:III.535.General Condition M
13.	2022 Opacity Test Results Report	Emission Point ACI (EQT 0001) annual opacity test results shall be submitted on or before the applicable submittal date.	Within 12 months of previous opacity report	Not submitted	Specific Requirement 6; 40 CFR 60.2260(e)

14.	2022 Annual Hours of Operation Report	Emission Point ACI (EQT 0001) hours of operation shall be reported to the Enforcement Division by March 31 for the preceding calendar year.	3/31/2023	Not submitted	Specific Requirement 18
15.	2023 Title V First Semi-Annual Monitoring Report	The certified semiannual report shall be submitted to the Office of Environmental Compliance by September 30 for the preceding period January through June.	9/30/2023	Not submitted	Specific Requirement 41; LAC 33:III.535.General Condition K
16.	2023 Title V Second Semi-Annual Monitoring Report	Submit a certified semiannual report to the Office of Environmental Compliance by March 31 for the preceding period July through December.	3/31/2024	Not submitted	Specific Requirement 41; LAC 33:III.535.General Condition K
17.	2023 Title V Annual Compliance Certification	The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year.	3/31/2024	Not submitted	Specific Requirement 41; LAC 33:III.535.General Condition M
18.	2023 Opacity Test Results Report	Emission Point ACI (EQT 0001) annual opacity test results shall be submitted on or before the applicable submittal date.	Within 12 months of previous opacity report	Not submitted	Specific Requirement 6; 40 CFR 60.2260(e)
19.	2023 Annual Hours of Operation Report	Emission Point ACI (EQT 0001) hours of operation shall be reported to the Enforcement Division by March 31 for the preceding calendar year.	3/31/2024	Not submitted	Specific Requirement 18
20.	2023 Criteria Pollutant Emissions Inventory and Certification Statement	Submit annually Emissions Inventory and Certification Statement by April 30 for the previous calendar year.	4/30/2024	Not submitted	Specific Requirement 45; LAC 33:III.919.F.1.d
21.	2024 Title V First Semi-Annual Monitoring Report	The certified semiannual report shall be submitted to the Office of Environmental Compliance by September 30 for the preceding period January through June.	9/30/2024	Not submitted	Specific Requirement 41; LAC 33:III.535.General Condition K

* On April 11, 2022, the Respondent submitted a copy of the 2021 Criteria Air Pollutant Emissions Certification Statement. In electronic correspondence dated April 14, 2022, June 30, 2022, and August 24, 2022, the Department requested the Respondent to provide the original Certification Statement with wet ink signature. As of February 18, 2025, the Department has not received the original signed 2021 Criteria Air Pollutant Emissions Certification Statement.

Each failure to submit the reports by the due date is a violation of the applicable Specific Requirements of Title V Air Permit No. 2140-00746-V0 and the associated requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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 Act, the Air Quality Regulations, and all applicable permits.

II.

Immediately upon receipt of this **COMPLIANCE ORDER**, air pollution control facilities shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities.

III.

Immediately upon receipt of this **COMPLIANCE ORDER**, implement procedures to keep daily records of operating time for EQT 0001. Within thirty (30) days after receipt of this **COMPLIANCE ORDER**, submit to the Enforcement Division the Daily Operating Time Records for EQT 0001, for the time period of October 12, 2020 through April 20, 2022, as referenced in Paragraph II.B of the **FINDINGS OF FACT** portion of this action. Within forty-five (45) days after receipt of this **COMPLIANCE ORDER**, submit to the Enforcement Division the Daily Operating Time Records for EQT 0001 for the past thirty (30) days.

IV.

Within thirty (30) days after receipt of this **COMPLIANCE ORDER**, develop and implement a maintenance plan for EQT 0002 in accordance with 40 CFR 60.4211(g)(1). Submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a copy of the maintenance plan and maintenance records for EQT 0002, for the time period of October 12, 2020 through April 20, 2022, as referenced in Paragraph II.B of the **FINDINGS OF FACT** portion of this action.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the Initial Opacity Test Results Report; the Annual Opacity Test Results Reports for years 2021, 2022, and 2023; and the Annual Hours of Operation Reports for years 2020, 2021, 2022, and 2023 for EQT 0001 as referenced in Paragraph II.C of the **FINDINGS OF FACT** portion of this action.

VI.

To submit to the Emissions Reporting and Inventory Center (ERIC) and the Office of Environmental Assessment, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 2023 Annual Criteria Air Pollutant Emissions Inventory, as referenced in Paragraph II.C of the **FINDINGS OF FACT** portion of this action. For assistance with the submittal, please contact Maureen Ducote at Maureen.Ducote@la.gov or 225-219-3591.

VII.

To submit to the Office of Environmental Assessment within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the associated Certification Statements with original signature for the 2021 and 2023 Annual Criteria Air Pollutant Emissions Inventories, as referenced in Paragraph II.C of the **FINDINGS OF FACT** portion of this action. A copy of the certification statement shall also be submitted to the Enforcement Division for review. For assistance with the submittal, please contact Maureen Ducote at Maureen.Ducote@la.gov or 225-219-3591.

VIII

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 2023 and 2024 Title V First Semi-Annual Monitoring Report, 2023 Title V Second Semi-Annual Monitoring Report, 2023 Title V Annual Compliance Certification, as referenced in Paragraph II.C of the **FINDINGS OF FACT** portion of this action.

IX.

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: **Stephanie Cernich**
Re: **Enforcement Tracking No. AE-CN-22-00876**
Agency Interest No. 220934

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

Pursuant to La. R.S. 30:2050.4, 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. AE-CN-22-00876**
Agency Interest No. 220934

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 thirty-two thousand five hundred dollars (\$32,500) for each day of violation for the violation(s) described herein may be assessed. 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 Stephanie Cernich at 225-219-3165 or Stephanie.Cernich2@la.gov 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.

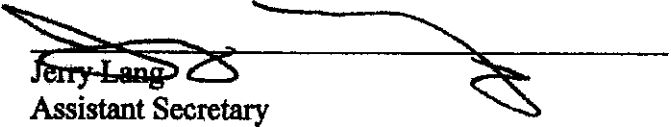
IV.

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 may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY** portion but no later than ninety (90) days of achieving compliance with the **COMPLIANCE ORDER** portion. 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 3rd day of March, 2025.


Jerry Lang
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: Stephanie Cernich**

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE	
Enforcement Tracking No.	AE-CN-22-00876	Contact Name	Stephanie Cernich
Agency Interest (AI) No.	220934	Contact Phone No.	225-219-3165
Alternate ID No.	LA0000002207100746		
Respondent:	Triton Stone Group New Orleans, LLC	Facility Name:	Triton Stone Industrial Yard
	c/o Cogency Global Inc.	Physical Location:	6000 Jourdon Road
	Agent for Service of Process		
	4459B Bluebonnet Blvd.	City, State, Zip:	New Orleans, LA 70126
	Baton Rouge, LA 70809	Parish:	Orleans
STATEMENT OF COMPLIANCE			
A written report was submitted in accordance with Paragraph IX of the "Order" portion of the COMPLIANCE ORDER .		Date Completed	Copy Attached?
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III, IV, V, VI, VII, and VIII 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 III 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			
(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 (AE-CN-22-00876), 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"/>	<p>In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-22-00876), 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. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY portion but no later than ninety (90) days of achieving compliance with the COMPLIANCE ORDER portion.</p> <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. <p>The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-22-00876) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>		
DISPOSITION STATEMENT			

<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>		
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: Stephanie Cernich		

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

NATURE AND GRAVITY OF THE VIOLATION			
	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions.

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in <u>EDMS</u> using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method	<u>LAC 33:1 Chapter 7</u>
Beneficial Environmental Projects	<u>LAC 33:1 Chapter 25</u>
	<u>FAQs</u>
Judicial Interest.....	<u>provided by the Louisiana State Bar Association</u>

