

JEFF LANDRY
GOVERNOR



COURTNEY J. BURDETTE
SECRETARY

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY
LEGAL AFFAIRS DIVISION

March 31, 2026

Via U.S. Certified Mail
No. 9589 0710 5270 1190 0121 22

Mr. Bill Weidner
President
River Construction Inc.
P.O. Box 9455
Metairie, LA 70055

RE: River Construction Inc.
Enforcement Tracking No. MM-CN-11-00759
Agency Interest No. 88065

Dear Mr. Weidner:

Enclosed are duplicate originals of a Settlement Agreement in the above-referenced matter, embodying the terms agreed to by the Louisiana Department of Environmental Quality (DEQ) and River Construction Inc. (Respondent). Please have both originals signed by an authorized representative and notarized, and then return them both to DEQ, Legal Division, P.O. Box 4302, Baton Rouge, Louisiana, 70821-4302, Attention: Michael J. Daniels.

The Settlement Agreement provides that the Respondent must publish a public notice advertisement in the **official journal** of the parish governing authority for the affected parish, to run for one (1) day, inviting public comment on the proposed agreement, as required by La. R.S. 30:2050.7. The advertisement shall be in the form set out in the attachment to this letter. The list of official journals for each parish is located on the Louisiana Secretary of State's website at the following link: <https://www.sos.la.gov/OurOffice/PublishedDocuments/OfficialParishJournals.pdf>. Please arrange for publication as soon as possible, and send to me a proof of publication affidavit and a public notice from the newspaper of the affected parish.

We will also send a copy of the Settlement Agreement to the Attorney General for her concurrence, which is required by law. If the Attorney General decides to reject the Settlement Agreement, she must notify the DEQ within ninety days of receiving the Settlement Agreement; otherwise, the DEQ may execute the Settlement Agreement without the Attorney General's concurrence. Once concurrence is received from the Attorney General, the original Settlement Agreements will be forwarded to the Assistant Secretary of the Office of Environmental Compliance for signature. We will send one original of the signed agreement to you and retain the other for our file.

Mr. Bill Weidner
River Construction Inc.
Page 2
March 31, 2026

Within thirty (30) days of receiving notice of the execution of the Settlement Agreement by the DEQ, the Respondent must forward a check in the amount of the agreed-upon payment to the DEQ at the address listed in the Settlement Agreement. Please send a copy of the check to me.

If you have any questions or comments, please do not hesitate to contact me at (225) 219-0301.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Daniels", with a stylized flourish at the end.

Michael J. Daniels
Attorney

nc

Enclosures: Duplicate original settlement agreements
Public notice form

**NOTICE OF OPPORTUNITY
FOR PUBLIC COMMENT ON PROPOSED
SETTLEMENT AGREEMENT BETWEEN
THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AND RIVER CONSTRUCTION INC.**

The Louisiana Department of Environmental Quality and River Construction Inc. (Respondent), Agency Interest Number 88065, have entered into a proposed settlement agreement, Settlement Tracking No. SA-MM-25-0085, concerning the State's allegations of environmental violations by Respondent at its facility in Plaquemines Parish, Louisiana, which allegations are set forth in Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-11-00759.

The Department of Environmental Quality will accept comments on the proposed settlement for the next forty-five (45) days. The public is invited and encouraged to submit written comments to the Louisiana Department of Environmental Quality, Office of the Secretary, Legal Division, Post Office Box 4302, Baton Rouge, Louisiana 70821-4302, Attention: Michael J. Daniels, Attorney. All comments will be considered by the Department of Environmental Quality in reaching a decision on whether to make the settlement final.

Terms and conditions of the proposed settlement agreement may be reviewed on the Department of Environmental Quality's website at www.deq.louisiana.gov, by selecting *About LDEQ, Enforcement, and Settlements*. The document may also be viewed at, and copies obtained from, the Louisiana Department of Environmental Quality, Public Records Center, Room 127, Galvez Building, 602 North Fifth Street, Baton Rouge, Louisiana 70802. To request a copy of the proposed settlement, submit a completed Public Record Request Form (DEQ Form ISD-0005-01). The form and instructions for completion may be found on the DEQ Website at the following address: <http://deq.louisiana.gov/assets/docs/General/PublicRecordsRequestForm.pdf>, or by calling the Customer Service Center at 1-866-896-5337.

Pursuant to La. R.S. 30:2050.7(D), the Department of Environmental Quality may hold a public hearing regarding this proposed settlement when either of the following conditions are met: 1) a written request for public hearing has been filed by twenty-five (25) persons, by a governmental subdivision or agency, or by an association having not less than twenty-five (25) members who reside in the parish in which the facility is located; or 2) the secretary finds a significant degree of public interest in this settlement.

For further information, you may call the Legal Division of the Louisiana Department of Environmental Quality at (225) 219-3985.

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RIVER CONSTRUCTION INC.

AI # 88065

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

* **Settlement Tracking No.**
* **SA-MM-25-0085**
*
* **Enforcement Tracking No.**
* **MM-CN-11-00759**
*
*
*
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between River Construction 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 sand blasting and painting facility located in Belle Chasse, Plaquemines Parish, Louisiana (“the Facility”).

II

On September 27, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-11-00759 (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 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which Two Thousand Two Hundred Sixty-Three and 58/100 Dollars (\$2,263.58) 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), 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.

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 Plaquemines 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 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.

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.

RIVER CONSTRUCTION INC.

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

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accounts Receivable

Payment # _____

Respondent: River Construction Inc.

Settlement No: SA-MM-25-0085

Enforcement Tracking No(s): MM-CN-11-00759

Payment Amount: \$5,000.00

Tax ID No:

AI Number(s): 88065

Alternate ID No(s):

TEMPO Activity Number: ENF20120001

**For Official Use Only.
Do Not write in this Section.**

Check Number:

Check Date:

Check Amount:

Received Date:

PIV Number:

PIV Date:

**Stamp "Paid" in the box to the right
and initial.**

Route Completed form to:

**Angela Marse, Administrator
Enforcement Division**

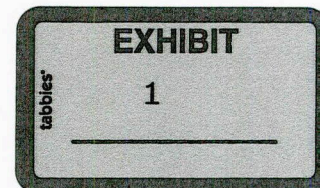
**And copy Jay L. Glorioso
Legal Division**



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
September 27, 2011



CERTIFIED MAIL (7005 0390 0006 1027 6776)
RETURN RECEIPT REQUESTED

RIVER CONSTRUCTION, INC.
c/o James Fantaci, Registered Agent
One Galleria Boulevard, Suite 1100
Metairie, Louisiana 70001

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-11-00759
AGENCY INTEREST NO. 88065**

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 **RIVER CONSTRUCTION, 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 Elizabeth Kashefi Smith via email at Elizabeth.smith3@la.gov or by phone at (225) 219-3807.

Sincerely,

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

Celeria J. Cage
Administrator
Enforcement Division

CJC/EKS/KO/KEB/eks
Alt ID No. LAR 000 073 171/ LAU003592
Attachment

c: River Construction, Inc.
c/o William Weidner
Post Office Box 9455
Metairie, Louisiana 70055

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

IN THE MATTER OF	*	
	*	
RIVER CONSTRUCTION, INC.	*	ENFORCEMENT TRACKING NO.
PLAQUEMINES PARISH	*	
ALT ID NO. LAR 000 073 171, LAU003592	*	MM-CN-11-00759
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	88065
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RIVER CONSTRUCTION, 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 a sand blasting and painting facility, known to the Department as River Construction, Inc. The facility is located at 202 WPA Road in Belle Chasse, Plaquemines Parish, Louisiana. The facility does not currently operate under an air permit. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or other authority to discharge wastes and/or other substances to waters of the state. As of June 17, 2011, an application for a LPDES permit has not been submitted to the Department.

II.

An inspection conducted by the Department on or about February 8, 2001, revealed that the Respondent was operating without a permit. The facility has a 500 gpd mechanical sewage treatment plant that discharges to a lateral ditch on the west side of the property. The unauthorized discharge of

sanitary wastewater into waters of the state is a violation of La. R.S. 30:2075.

III.

On or about February 24, 2011, an inspection was conducted by representatives of the Department which revealed the following violations:

- A. The Respondent does not have a permit to discharge waste and/or other substances into waters of the state. The facility has a 500 gpd mechanical sewage treatment plant that discharges to the intake basin of the Hero Pump station thence into the Harvey Canal. The unauthorized discharge of sanitary wastewater into waters of the state is a violation of La. R.S. 30:2075.
- B. The Respondent failed to prepare and/or implement an adequate plan that meets the regulatory SPC (Spill Prevention Control) requirement. Specifically, there was a 2000 gallon tank containing diesel, a 2000 gallon tank containing waste oil, a 1000 gallon tank containing waste oil and a 55-gallon drum used for waste oil storage on site. The 55-gallon drum was observed with oil running down the side onto the ground. No secondary containment was observed around the tanks and the drum. Since there is a total of over 1320 gallons in the aggregate, the Respondent is required to prepare a SPC plan within 180 days after the facility begins operation, and fully implement the plan as soon as possible, but not later than one year after the facility begins operation. The failure to prepare and/or implement an adequate SPC/SPCC plan is a violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.905.B.1, LAC 33:IX.501.A, and LAC V.33.V.4049.

IV.

A file review conducted by the Department on or about June 17, 2011, revealed that the Respondent failed to apply for a LPDES permit. The Respondent's failure to apply for a permit is a violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2501.A.

V.

On or about February 24, 2011, an inspection was conducted by representatives of the Department which revealed the following violations:

- A. The Respondent engaged in the open burning of solid waste, in violation of LAC 33:VII.315.M. Specifically, the Respondent burned solid waste which included, but was not limited to, household type trash.
- B. The Respondent caused and/or allowed the deposition of regulated solid waste without a

- permit and/or other authority from the Department, in violation of La. R.S. 30:2155, and LAC 33:VII.315.C. Specifically, the Respondent allowed the deposition of solid waste which included, but was not limited to, household type trash.
- C. The Respondent failed to keep containers of used oil closed, as required by LAC 33:V.2107, in violation of LAC 33:V.4013.B. Specifically, 55-gallon drums containing used oil located near the 2000-gallon and 1000-gallon tanks, and a 55-gallon drum containing used oil located near the entrance of the building in the front of the facility did not have bungs or were open top.
- D. The Respondent failed to label a container storing used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, unlabeled 55-gallon drums and two (2) 1000-gallon tanks containing used oil were observed at the facility.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility into waters of the state and comply with the Water Quality Regulations.

II.

To protect water quality, the Respondent is required to comply with the following:

- A) **If the Respondent chooses to discharge to waters of the state**, a completed LPDES notice of intent (NOI) or appropriate LPDES permit application must be submitted to the Office of Environmental Services within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The completed LPDES notice of intent (NOI) or permit application must address all outfalls at the facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25 (please reference **MM-CN-11-00759**, AI# 88065, and LAU003592). The three copies (the original and two copies) of the completed application or NOI should be submitted to:

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 completed application or notice of intent (NOI) must also be sent to the Enforcement Division. For help or questions concerning the application or notice of intent (NOI), you may contact LDEQ Small Business Assistance at 1-800-259-2890.

If a completed LPDES notice of intent (NOI) or permit application is not submitted within thirty (30) days after receipt of this COMPLIANCE ORDER, the following interim discharge limitations and monitoring requirements will be terminated and the Department may take additional enforcement action.

If the Respondent chooses to discharge to waters of the state, the following interim limitations and monitoring requirements shall apply:

The point of discharge is hereby designated as Outfall 001. The discharge from this facility's operation shall be monitored at the point of discharge prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the following interim effluent limitations and monitoring requirements until a final LPDES permit is issued by the Department or until the Respondent is otherwise notified in writing by the Department.

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001: TREATED SANITARY WASTEWATER (LESS THAN 5,000 GPD)

Parameter	Mass Limitations (lb/day)		Concentration Limitations (mg/l unless stated)		Measurement Frequency (*1)	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	---	Report	---	---	1/6 months	Estimate
BOD ₅	---	---	30	45	1/6 months	Grab
TSS	---	---	30	45	1/6 months	Grab
Fecal Coliform	---	---	200 col/100 ml	400 col/100 ml	1/6 months	Grab
pH	---	---	6.0 s.u.(*2)	9.0 s.u.(*2)	1/6 months	Grab

(*1) When Discharging

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

OUTFALL 002: POTENTIALLY CONTAMINATED INDUSTRIAL STORMWATER RUNOFF

Parameter	Mass Limitations (lb/day)		Concentration Limitations (mg/l unless stated)		Measurement Frequency (*1)	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	Report	Report	---	---	1/quarter	Estimate
TOC	---	---	---	50	1/quarter	Grab
Oil & Grease	---	---	---	15	1/quarter	Grab
Visible Sheen	---	---	---	No Presence	Daily	Observation
Benzene	---	---	---	50 ug/L	1/quarter	Grab
BTEX (*3)	---	---	---	250 ug/L	1/quarter	Grab
Lead	---	---	---	50 ug/L	1/quarter	Grab
pH	---	---	6.0 s.u.(*2)	9.0 s.u.(*2)	1/quarter	Grab

(*1) When Discharging

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

(*3) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by EPA methods 601, 602, 624, or 1624.

If the value of this effluent characteristic exceeds the Daily Max limit in any sample, then the Monitoring Frequency shall increase to 1/month. This increased frequency shall continue until a sample demonstrates a value less than or equal to the Daily Max. If the pH value is below 6.0 standard units or above 9.0 standard units, then the Monitoring Frequency shall increase to 1/month. This increased frequency shall continue until a sample demonstrates a value between 6.0 and 9.0 standard units. The results of the increased frequency shall be included in the calculation and reporting of the data submitted in the DMR.

The Respondent shall comply with the General Criteria for water quality standards listed in LAC 33:IX.1113.B.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge point(s) prior to mixing with other waters.

Laboratory procedures and analyses shall be conducted by a commercial laboratory that has been certified by the Department in accordance with the requirements set forth under LAC 33:1. Subpart 3, Chapters 49-55. A list of laboratories that have received accreditation is available on the Department's website located at: <http://www.deq.state.la.us/laboratory/index.htm>. Questions concerning the program may be directed to (225) 219-9800 or (225) 219-9805.

Samples and measurements shall be representative of the volume and nature of the discharge and collected and analyzed according to the requirements of LAC 33:IX.2701.J. Monitoring results from all sample analyses shall be reported on Discharge Monitoring Reports (DMRs) (EPA Form 3320-1) and forwarded to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Permit Compliance Unit

DMRs shall be submitted no later than the twenty-eighth (28) day of the month following the monitoring period specified in this **COMPLIANCE ORDER**. The monitoring period shall begin on the first day of the month following issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00759**. The Respondent shall continue the submission of DMRs by the twenty-eighth (28) day of the month following each monitoring period until the Respondent is authorized under a LPDES permit or until otherwise notified in writing by this Department. **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00759, AI# 88065, AND LAU003592** should be referenced on all DMRs submitted in accordance with this **COMPLIANCE ORDER**. Instructions for the proper completion of DMRs and examples of properly completed DMRs may be found on the Department's website at <http://www.deq.louisiana.gov/enforcement/index.htm>. Blank DMR forms may also be downloaded from this website.

The Respondent shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations and monitoring requirements. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up auxiliary facilities or similar systems, which are installed by a facility only when the operation is necessary to achieve compliance with the conditions of these interim limitations and monitoring requirements.

These interim limitations and monitoring requirements do not convey any property rights of any sort.

If the Daily Max limitation on any parameter is exceeded, the Respondent shall report said exceedance(s) in writing to the Office of Environmental Compliance, within five (5) working days after becoming aware of the violations. **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00759, AI# 88065, and LAU003592** should be referenced on all such reports submitted in accordance with this **COMPLIANCE ORDER**. The report should include the date, time, and duration of the noncompliance; the details of the circumstances and events leading to the noncompliance; the corrective actions taken or to be taken to correct the noncompliance and if not corrected, the anticipated time the noncompliance is expected to continue; the procedures or measures taken or to be taken to prevent recurrence of the noncompliance; and a determination of whether or not the noncompliance was preventable.

For sanitary treatment plants, the plans and specifications must be approved by the Louisiana Department of Health and Hospitals, Office of Public Health, P.O. Box 629, Baton Rouge, Louisiana 70821, (225) 342-9500. Additionally, any discharge to a highway ditch, cross ditch, or right-of-way

requires approval from the Louisiana Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245, (225)379-1301.

B) If the Respondent does not choose to discharge to waters of the state, the Respondent shall, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges to waters of the state.

III.

OTHER WATER REQUIREMENTS:

A. SANDBLASTING OR ABRASIVE BLASTING

Solids generated during paint removal activities shall be contained in such a manner as to prevent stormwater and receiving waterbody contamination and shall be disposed of in accordance with applicable Solid Waste Regulations. Each piece of equipment to be sandblasted or abrasive blasted shall be checked for lead content in the paint to be removed. If the permittee chooses to perform a job which involves lead-containing paint, all residues of lead-contaminated debris must be removed for proper disposal. Precautions should be taken to minimize to the maximum extent practicable any offsite drift of sandblasting dust and particles.

SANDBLASTING PROVISIONS

1. Each structure to be sandblasted shall be checked for lead content in the paint to be removed. If the permittee chooses to perform the job, residues of lead-contaminated sandblasting debris shall be removed for proper disposal.
2. Deposits of sandblasting debris in the water shall be minimized by using the following or similar controls:
 - a. Install mesh/plastic/tarpaulin-like curtain or net around the area to be used for sandblasting and/or spray-painting in such a manner as to minimize the discharge of airborne fugitive dust and/or paint to the water. Wherever possible, the bottom edge of the curtain shall be weighted to allow the curtain to withstand light winds. The curtain shall be in place whenever any sandblasting/spray painting operations are conducted.
 - b. Upon completion of each sandblasting job, sandblast debris shall be collected by means of air pressure or other appropriate methods and then swept, vacuumed or otherwise.
 - c. In the event that the structure to be sandblasted or painted prohibits the use of the curtain, the appropriate DEQ regional office will be notified 24 hours in advance of the situation.
3. When sandblasting horizontal surfaces, the work shall be done from the outer perimeter inward so as to direct the sandblast debris toward the center of the structure where it is to be collected.
4. When sandblasting vertical surfaces, the operator shall position the structure in such a manner as to minimize the probability that any airborne material will settle in the water.

5. The sandblasting debris used for sandblasting shall be collected frequently enough to prevent the accumulated sandblasting debris from entering the water.

B. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. The purpose of the pollution prevention plan is to identify potential sources of pollution that would reasonably be expected to affect the quality of stormwater and identify the practices that will be used to prevent or reduce the pollutants in stormwater discharges.
2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.
3. **For first time permit issuance**, the permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the permittee shall review and update, if necessary, a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference into the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasure Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. EPA document 833-R-92-006 (Storm Water Management for Industrial Activities) may be used as a guidance for the Stormwater Pollution Prevention Plan and may be obtained by writing to the Water Resource Center (RC_4100), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington D.C. 20460 or by calling (202) 566-1729 or via the Wetlands Helpline (800) 832-7828.
4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.
 - a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.
 - b. The permittee shall develop a site map which includes all areas where stormwater may contact potential pollutants or substances which can cause pollution. Any locations where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.
 - c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances

which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

- d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.
- e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWP3 and provided to the Department upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

- f. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.
5. The following shall be included in the SWP3, if applicable.
- a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
 - (1) maintaining adequate roads and driveway surfaces;
 - (2) removing debris and accumulated solids from the drainage system; and
 - (3) cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
 - b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharge and does not leave residues exposed to future storm events. In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.
 - c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.

- d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
- e. If applicable, all storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.
- f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves which shall be kept in the closed condition except during periods of supervised discharge.
- g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
- h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.
- i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
- j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

IV.

To notify the Enforcement Division within fifteen (15) days of receipt of a final LPDES permit issued by the Department.

V.

To prepare and implement a Spill Prevention and Control (SPC) Plan, as outlined in LAC 33:IX.907, for this facility within thirty (30) days after receipt of this **COMPLIANCE ORDER**, and to submit to the Enforcement Division a copy of the Spill Prevention and Control (SPC) Plan mentioned in Paragraph III.B of the Findings of Fact portion of this Order within thirty (30) days after receipt of this **COMPLIANCE ORDER**.

VI.

To immediately, upon receipt of this **COMPLIANCE ORDER**, cease burning solid waste.

VII.

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

VIII.

To complete, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, closure of the solid waste dump site by removal of all deposited solid waste to a permitted solid waste disposal facility and submit to the Enforcement Division, within fifteen (15) days of disposal, receipts documenting the proper disposal of the waste at a permitted disposal facility.

IX.

To immediately, upon receipt of this **COMPLIANCE ORDER**, close all containers of used oil in accordance with LAC 33:V.2107.

X.

To immediately, upon receipt of this **COMPLIANCE ORDER**, label or mark all drums and tanks that contain used oil, clearly with the words "Used Oil".

XI.

To submit to the Air Permits Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the appropriate documentation, such as a complete air permit application or calculations of emissions and records of operations, to demonstrate to the Department from the permitting requirements as per LAC 33:III.501.B4, and La. R.S. 30:2054(B)(2)(b)(ix). In addition, the Respondent shall submit a copy of this documentation to the Enforcement Division.

XII.

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

XIII.

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: Elizabeth Kashefi Smith
Re: Enforcement Tracking No. MM-CN-11-00759
Agency Interest No. 88065

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-11-00759
Agency Interest No. 88065

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 Department's Rules of Procedure. 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 Elizabeth Kashefi Smith via email at Elizabeth.kashefi@la.gov or by phone at (225) 219-3807 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.

IV.

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

Baton Rouge, Louisiana, this 27 day of September, 2011.



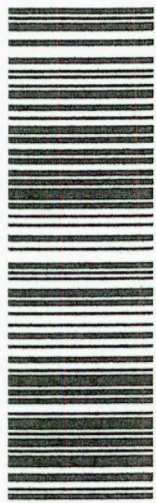
Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

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: Elizabeth Kashefi Smith

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD ALONG DOTTED LINE.

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Mr. Bill Weidner
President
River Construction Inc.
P.O. Box 9455
Metairie, LA 70055

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

Mr. Bill Weidner
President
River Construction Inc.
P.O. Box 9455
Metairie, LA 70055

2. Article Number (Transfer from service label)

9589 0710 5270 1190 0121 22

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A. Signature _____ Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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