

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>LOUISIANA ENVIRONMENTAL ACTION NETWORK,</b>	:	
<b>Plaintiff,</b>	:	<b>NO. 2:09-CV-07389 CJB-KWR</b>
<b>VERSUS</b>	:	
	:	<b>JUDGE CARL J. BARBIER</b>
<b>SUN DRILLING PRODUCTS CORPORATION,</b>	:	
<b>Defendant.</b>	:	

**CONSENT JUDGMENT**

CONSIDERING the Complaint filed on November 19, 2009, service made upon defendant on or about December 3, 2009, and the mutual desire of the parties to avoid additional litigation costs; and

Considering that Sun Drilling Products Corporation (“Sun” or “Defendant”) represents that it has made no effluent discharges through outfall 001 (LPDES water permit LA0087327) since November 5, 2010, further considering that Sun represents that it is taking appropriate steps to handle the water formerly routed to outfall 001 by shipping said water offsite for treatment and discharge or disposal; and

Considering that the parties have agreed that—upon this Court’s entry of the Consent Judgment and without prejudice to the State of Louisiana’s pending penalty assessment (No. MM-CN-09-00)—the Plaintiff will drop its claim for civil penalties and that Defendant (within

14 days of entry) will contribute \$10,000 to a mutually agreed upon environmental charitable organization other than the Plaintiff; and

Considering that Clean Water Act § 505(c), 33 U.S.C. § 1365(c) provides: “No consent judgment shall be entered in an action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator [of EPA],” and considering that the parties represent that they will promptly send a copy of the proposed judgment via certified mail to the Attorney General and the Administrator and will notify the Court when the 45-day waiting period has elapsed:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Sun shall:

(1) Permanently cease all effluent discharges through outfall 001 as listed in LPDES water permit no. LA0087327; and

(2) Collect, handle, and arrange for appropriate treatment and discharge or disposal of all effluent formerly directed for discharge at outfall 001 at a permitted waste processing facility or wastewater treatment plant.

(3) Sun shall not redirect any effluent stream from its manufacturing process and product storage, formerly discharged through outfall 001, to outfalls 002, 003, 004, 005, 006, or 007.

(4) Sun shall not redirect any other effluent stream (i.e., storm water), formerly discharged through outfall 001, to outfalls 002, 003, 004, 005, 006, or 007 until Sun’s site has been re-engineered and re-graded, as appropriate. Sun will notify Plaintiff within 10 days of the completion of the site storm water modification.

(5) Once Sun’s site has been re-engineered and re-graded, as appropriate and as provided in paragraph 4, above, Sun shall isolate storm water formerly discharged through the outfall currently designated as 001 and then sample any outfall(s) through which the storm water

formerly discharged through the outfall currently designated as 001 is discharged; sampling and analysis shall consist of total suspended solids (TSS), biochemical oxygen demand (BOD<sub>5</sub>), and chemical oxygen demand (COD) using the methods currently described in its permit for sampling of outfall 001. Sun shall provide sampling and analysis reports to the Plaintiff in a prompt manner. Sampling will occur on a monthly basis until Sun can demonstrate compliance at each outfall with the limits currently set for outfall 001 for a consecutive six-month period. In other words, any test for these parameters that exceeds the limits currently set for outfall 001 will be considered to be an exceedance. Sun will then take appropriate steps to address any exceedance and will continue to test monthly until it can demonstrate that it is compliant for storm water discharge for a six-month period.

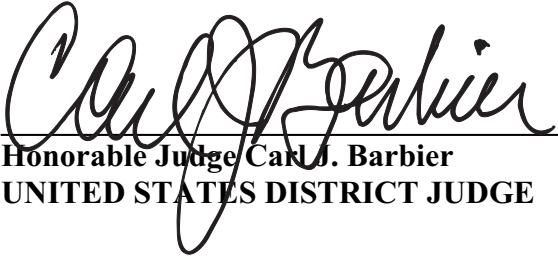
(6) Sun shall allow Plaintiff's representatives access to its plant to observe the plant's water collection, treatment, and discharge system (including re-engineering and re-grading) at a date and time mutually agreed upon by both parties, with agreement not to be unreasonably withheld. Prior to the visit, Sun will provide Plaintiff with as-built drawings of the completed storm water collection system. During the visit, Plaintiff's representatives will have an opportunity to observe and confirm that the storm water formerly directed through the outfall currently designated 001 has been successfully and fully redirected to an outfall(s) subject to the sampling and analysis described in paragraph 5, above.

(7) Pursuant to Fed. R. Civ. P. 54(d)(2)(B), and to provide time for a cooperative resolution of any issues concerning attorney fees and costs, the time for Plaintiff to move for attorney fees in this matter is extended until thirty-five (35) days after entry of this Consent Judgment.

(8) This Court shall maintain jurisdiction over this action for the purpose of implementing this Consent Judgment.

(9) In all other respects, except as specified in paragraphs 7 and 8, above, this action is dismissed.

**JUDGMENT RENDERED THIS** 14th day of April, 2011 in New Orleans, Louisiana.



---

**Honorable Judge Carl J. Barbier**  
**UNITED STATES DISTRICT JUDGE**