

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

NORTHSHORE CHEMICAL, LLC

AI # 41239

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

\* Settlement Tracking No.  
\* SA-WE-18-0050  
\*  
\* Enforcement Tracking Nos.  
\* WE-CN-10-01605  
\* WE-CN-15-01302  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Northshore Chemical, 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 chemical packing and distribution facility located in St. Tammany Parish, Louisiana (“the Facility”).

II

On December 7, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-10-01605, attached as Exhibit A.

On June 22, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01302, attached as Exhibit B.

III

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



IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of EIGHTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$18,500.00), of which Two Thousand Ninety-Three and 93/100 Dollars (\$2,093.93) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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



## VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## VIII

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

## IX

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

## X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each



payment shall be accompanied by a completed Settlement Payment Form (Exhibit C).

XI

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

XII

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



Northshore Chemical, LLC

BY: [Signature]  
(Signature)

Patrick Berrigan  
(Printed)

TITLE: Member

THUS DONE AND SIGNED in duplicate original before me this 9th day of April, 20 19, at Slidell La.

[Signature]  
NOTARY PUBLIC (ID # 19181)  
NOTARY PUBLIC  
BAR/NOTARIAL #3022  
STATE OF LOUISIANA  
MY COMMISSION IS FOR LIFE  
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary





**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

*EDMS*  
*Maggie*  
*Dawn*

December 7, 2011

CERTIFIED MAIL (7004 2510 0005 5763 2267)  
RETURN RECEIPT REQUESTED

**NORTHSHORE CHEMICAL, LLC**  
c/o Patrick J. Berrigan  
Agent of Service  
202 Village Circle, Suite 2  
Slidell, LA 70458

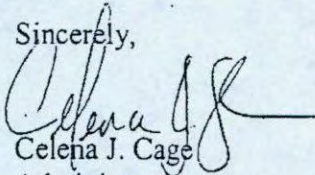
**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-10-01605  
AGENCY INTEREST NO. 41239**

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 **NORTHSHORE CHEMICAL, LLC (RESPONDENT)** for the violations described therein.

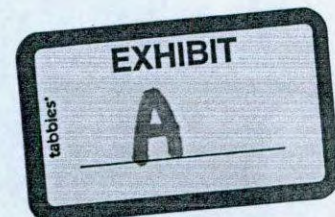
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Maggie Blunschli at (225) 219-3770.

Sincerely,  
  
Celesta J. Cage  
Administrator  
Enforcement Division

CJC/MRB/mrb  
Alt ID No. LA0122459  
Attachment

e-copy: George Robicheaux-Sanitarian





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

<p><b>IN THE MATTER OF</b></p> <p><b>NORTHSHORE CHEMICAL, LLC</b>  <b>ST. TAMMANY PARISH</b>  <b>ALT ID NO. LA0122459</b></p> <p><b>PROCEEDINGS UNDER THE LOUISIANA</b>  <b>ENVIRONMENTAL QUALITY ACT,</b>  <b>La. R.S. 30:2001, <u>ET SEQ.</u></b></p>	<p>* * * * * * * * * *</p>	<p><b>ENFORCEMENT TRACKING NO.</b></p> <p><b>WE-CN-10-01605</b></p> <p><b>AGENCY INTEREST NO.</b></p> <p><b>41239</b></p>
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**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **NORTHSHORE CHEMICAL, 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 a chemical packing and distribution facility located at 61134 St. Tammany Avenue in Slidell, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0122459 on or about March 9, 2007, with an effective date of April 1, 2007, and an expiration date of March 31, 2012. Under the terms and conditions of LPDES permit LA0122459, the Respondent is authorized to discharge wastewater from the contained chemical transfer area and storm water from Outfall 001 and treated sanitary wastewater from Outfall 002 to local drainage, thence to Bayou Vincent, waters of the state.



## II.

An inspection conducted by the Department on or about December 10, 2009, revealed that the Respondent failed to sample. Specifically, a representative for the Respondent stated that the sewage treatment plant is not sampled semi-annually as required. The failure to sample the effluent is a violation of LPDES permit LA0122459 (Monitoring and Reporting Requirements, page 3 of 6; Narrative, page 5 of 6; and Standard Conditions for LPDES permits, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

## III.

An inspection conducted by the Department on or about December 10, 2009, and a subsequent file review conducted on or about October 25, 2011, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs). Specifically, the Respondent is required to submit monthly DMRs for Outfall 001 and semi-annual DMRs for Outfall 002. The Respondent has not submitted any DMRs since the effective date of the permit, April 1, 2007. Each failure to submit a DMR is a violation of LPDES permit LA0122459 (Monitoring and Reporting Requirements, pages 1 through 4 of 6; Narrative, page 4 of 6; and Standard Conditions for LPDES permits, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.a.

## IV.

An inspection conducted by the Department on or about December 10, 2009, revealed that the Respondent failed to provide records upon request by the Department. Specifically, the Respondent could not provide records of inspection reports or logs associated with the Spill Prevention Control and Countermeasure (SPCC) plan developed by the Respondent or the Storm Water Pollution and Prevention Plan (SWP3) when asked by the inspector. In addition, the Respondent could not provide records of laboratory data for either of the outfalls. The failure to provide records upon request by the Department is a violation of LPDES permit LA0122459 (Standard Conditions for LPDES permits, Sections A.2 and A.8), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.J.2.

## V.

A file review conducted by the Department on or about October 25, 2011, revealed that the Respondent failed to develop an adequate SWP3. Specifically, the Respondent told the inspector that the SWP3 was incorporated into the SPCC plan. A copy of the SPCC plan was



included in the inspection report. The SPCC plan does not allow for annual storm water inspections which would 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. The failure to develop an adequate SWP3 is a violation of LPDES permit LA0122459 (Narrative, page 5 of 6, and Standard Conditions for LPDES permits, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.A.

#### VI.

An inspection conducted by the Department on or about December 10, 2009, revealed that the Respondent failed to properly operate and maintain the sewage treatment plant. Specifically, there was no chlorine for disinfection present in the chlorinator at the time of the inspection. The failure to properly operate and maintain the facility is a violation of LPDES permit LA0122459 (Standard Conditions for LPDES permits, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

#### VII.

An inspection conducted by the Department on or about December 10, 2009, revealed that there was a layer of water present in the bottom of the diked area and the ends of transfer hoses were hanging on the inside of the containment area.

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

#### I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the limitations set forth in LPDES permit LA0122459 and the Water Quality Regulations including, but not limited to, sampling the effluent, submitting DMRs, providing records upon request, and properly operating and maintaining the facility.

#### II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods of the last three years mentioned in Paragraph III of the Findings of Fact



portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

To prepare, implement, and submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate SWP3 which meets all of the requirements of LPDES permit LA0122459.

IV.

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  
**Attention: Maggie Blunsch**  
**Enforcement Tracking No. WE-CN-10-01605**  
**Agency Interest No. 41239**

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

I.

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

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number and Agency**



**Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. WE-CN-10-01605**  
**Agency Interest No. 41239**

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 that 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 Maggie Blunski at (225) 219-3770 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

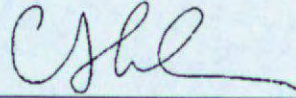
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement 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 07 day of December, 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: Maggie Blunsch



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	
Enforcement Tracking No.	WE-CN-15-01302	Certified Mail No.	7004 2510 0006 3853 4787
Agency Interest (AI) No.	41239	Contact Name	Richard Ober, Jr.
Alternate ID No.	LA0122459	Contact Phone No.	(225) 219-3135
Respondent:	Northshore Chemical, LLC	Facility Name:	Northshore Chemical, LLC
	c/o Patrick J. Berrigan	Physical Location:	61134 St. Tammany Avenue
	Agent for Service of Process		
	204 Village Street #3	City, State, Zip:	Slidell, Louisiana 70460
	Slidell, Louisiana 70458	Parish:	St. Tammany
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).			
<b>FINDINGS OF FACT</b>			
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.			
I.	The Respondent owns and/or operates a chemical packing and distribution facility located at or near 61134 St. Tammany Avenue in Slidell, St. Tammany Parish, Louisiana. Under the terms and conditions of LPDES Permit LA0122459, the Respondent is permitted to discharge treated sanitary wastewater, wastewater from a contained chemical transfer area and stormwater into local drainage, thence into Bayou Vincent, thence into Lake Pontchartrain, all waters of the state. The Respondent was issued <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY WE-CN-10-01605</b> on or about December 7, 2011. The Department received a written response from the Respondent dated February 17, 2012. <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY WE-CN-10-01605</b> is a final action of the Department and not subject to further review.		
	Date of Violation	Description of Violation	
II.	Inspection(s) 6/22/2012 6/3/2015 File Review 3/31/2016	The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit monthly DMRs (Outfall 001) and semiannual DMRs (Outfall 002) no later than the 28th day of the month following each quarter and semiannual reporting period for Outfall 001 and Outfall 002, respectively. Specifically, the Respondent did not submit timely DMRs for Outfall 001 for each of the months from July 2011 through December 2011 and for Outfall 002 for the semiannual period of July 2011 through December 2011. The DMRs were received by the Department on or about February 27, 2012. The Respondent failed to submit timely DMRs for Outfall 001 for the months of January 2012, February 2012, April 2012, May 2012, and June 2012. The DMRs were received on or about August 31, 2012. Additionally, the Respondent did not submit timely DMRs for Outfall 001 for each of the months from August 2012 through June 2015. The DMRs for Outfall 001 for the months of August 2012 through June 2015 were received on September 17, 2015. The Respondent did not submit timely DMRs for Outfall 002 for the semiannual monitoring period of July 2012 through December 2012, both semiannual periods in 2013, and the first semiannual period of 2015. The DMRs were received by the Department on or about September 15, 2015. (LPDES Permit LA0122459 (Monitoring and Reporting Requirements, pages 1 through 4 of 6 and Narrative, page 4 of 6 prior to August 1, 2012; Part I, Effluent Limitations and Monitoring Requirements (Outfall 001), page 2 of 4 on and after August 1, 2012 and Interim Limitations and Monitoring Requirements (Outfall 002), page 3 of 4 on and after August 1, 2012; Part II, Section K on and after August 1, 2012; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)	
III.	Inspection(s) 6/3/2015	The Respondent failed to comply with LPDES permit LA0122459. Specifically, the Respondent failed to submit semiannual Discharge Monitoring Reports (DMRs) for Outfall 002 for the semiannual monitoring periods of January 2014 through June 2014 and July 2014 through December 2014. (LPDES permit LA0122459 (Part I, Interim Limitations and Monitoring Requirements (Outfall 002), page 3 of 4; Part II, Section K; and Part III, Section A.2), LAC 33:IX.501.A, La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)	
IV.	Inspection(s) 6/22/2012 File Review 3/31/2016	The Respondent failed to properly operate and maintain its sewage treatment plant. Specifically, there were no chlorine tablets present in the contact chamber. Laboratory data attached to the DMR for the monitoring period following the inspection, July 2012 through December 2012, indicated Fecal Coliform results of 5,000 colonies/100 ml for the sampling event on August 23, 2012. (LPDES permit LA0122459 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)	
V.	Inspection(s) 6/22/2012	The Respondent failed to comply with LPDES permit LA0122459 and/or the Water Quality Regulations. Specifically, the Respondent failed to provide records upon request by the Department. The following records were not provided when requested by the inspector: (1) DMRs for January 2012 and February 2012 for Outfall 001; (2) laboratory data for Outfall 001 for the most recent sampling events; and (3) documentation required by the Spill Prevention and Control (SPC) Plan including tank inspections, any drainage of storm water from containment, and employee training records. (LPDES permit LA0122459 (Standard Conditions for LPDES Permits, Sections A.2 and A.8), La. R.S. 30:2076(A)(3), LAC 33:IX.6513.A.2 and LAC 33:IX.2701.L.2)	





VI.	Inspection(s) 6/22/2012 6/3/2015	The Respondent failed to comply with LPDES Permit LA0122459. Specifically, the Respondent failed to prepare and/or implement an adequate Stormwater Pollution Prevention Plan (SWPPP). The June 22, 2012 inspection revealed that the SWPPP failed to include the exposure description and identify potential pollutants. (LPDES Permit LA0122459 (Narrative Requirements, page 5 of 6 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A) Additionally, the June 3, 2015 inspection revealed that the containers were filled outside of the containment area. Therefore, spills or drips from the filling of the containers would not be contained, and storm water running through the filling area could become contaminated with either bleach or hydrochloric acid. (LPDES Permit LA0122459 (Part II, Section J.5.c and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)
VII.	File Review 3/31/2016	The Respondent failed to sample the effluent from Outfall 002 on a semiannual basis as required by LPDES Permit LA0122459. Specifically, the DMRs submitted for Outfall 002 for the semiannual periods of January 2011 through June 2011 and July 2011 through December 2011, indicated that no sampling was conducted for flow, BOD <sub>5</sub> , TSS, Fecal Coliform and pH. Additionally, the DMR for September 2011 for Outfall 001 indicated that no sampling was conducted for total organic carbon (TOC), chloride, flow, oil and grease, and pH. (LPDES Permit LA0122459 (Sample Type and Frequency Requirements (Outfall 001), pages 1 and 2 of 6 and Narrative Requirements, page 5 of 6; Sample Type and Frequency Requirements (Outfall 002), pages 3 and 4 of 6 and Narrative Requirements, page 5 of 6; and Standard Conditions for LPDES Permits, Section A.2), LAC 33:IX.501.A, La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
VIII.	Inspection(s) 6/3/2015	The Respondent failed to sample the effluent for Total Phosphorus and Total Nitrogen from Outfall 002 on a semiannual basis as required by LPDES Permit LA0122459 since the effective date of the permit, August 1, 2012. Additionally for Outfall 002, based on conversations with a representative of the Respondent a few days after the June 3, 2015 inspection, no sampling was conducted for flow, BOD <sub>5</sub> , TSS, Fecal Coliform and pH in calendar year 2014. (LPDES Permit LA0122459 (Part I, Interim Effluent Limitations and Monitoring Requirements (Outfall 002), page 3 of 4 and Part III, Section A.2), LAC 33:IX.501.A, La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
IX.	Inspection(s) 6/3/2015 File Review 3/31/2016	The Respondent failed to comply with LPDES permit LA0122459. Specifically, the Respondent reported exceedances of permit effluent limitations for Fecal Coliform and Biochemical Oxygen Demand (BOD <sub>5</sub> ) for Outfall 002 on DMRs. <i>See Attachment A</i> (LPDES Permit LA0122459 (Part I, Interim Effluent Limitations and Monitoring Requirements (Outfall 002), page 3 of 4 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
X.	Inspection(s) 6/3/2015	The Respondent failed to comply with LPDES Permit LA0122459. Specifically, the Respondent failed to report the correct monitoring results on DMRs. Review of laboratory data submitted along with July 2012 through December 2012 and January 2015 through June 2015 DMRs revealed that some of the reported results on the DMRs did not correspond with the results from the laboratory or the result was not correctly included on the DMR. In particular, the Respondent reported on the July 2012 through December 2012 DMR for Outfall 002, results for Fecal Coliform of <10 colonies/100 ml for the daily maximum. However, the laboratory data attached to the DMR indicated results of 5,000 colonies/100 ml for the sampling event on August 23, 2012. Additionally, the Respondent reported on the January 2015 through June 2015 DMR for Outfall 002, results for Fecal Coliform of <10 colonies/100 ml for the daily maximum. However, the laboratory data attached to the DMR indicated results of >60,000 colonies/100 ml for the sampling event on March 12, 2015 and results of <10 colonies/100 ml for the sampling event on April 16, 2015. (LPDES Permit LA0122459 (Part II, Section K, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d)
XI.	Inspection(s) 6/3/2015 File Review 3/31/2016	The Respondent failed to comply with LPDES permit LA0122459. Specifically, on the March 2012 DMR for Outfall 001, the daily maximum for flow was not reported. Additionally, the Respondent reported the daily maximum, but failed to report the monthly average for BOD <sub>5</sub> , Fecal Coliform, and TSS on the semiannual DMRs for Outfall 002 that were received by the Department for the second half of 2012, both semiannual periods in 2013 and the first half of 2015. On the March 2013 DMR for Outfall 001, the monthly average for chlorides was not reported and the monthly average and daily maximum for flow were not reported. On the November 2013 DMR for Outfall 001, the monthly average for chlorides was not reported and the monthly average and the daily maximum flow were not reported. (LPDES permit LA0122459 (Part II, Section K on and after August 1, 2012, and Standard Conditions for LPDES Permits Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d)
XII.	File Review 3/31/2016	The Respondent failed to comply with LPDES permit LA0122459. A file review conducted by the Department revealed that the Respondent failed to timely reapply for a permit within 180 days of the expiration date of the permit. Specifically, LPDES permit LA0122459 was issued on March 9, 2007, with an effective date of April 1, 2007. The permit had an expiration date of March 31, 2012. The Department received a permit application from the Respondent dated January 11, 2012. (La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2501.D)
<b>ORDER</b>		
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:		
I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.	



II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this <b>COMPLIANCE ORDER</b> . This report and all other reports or information required to be submitted to the Enforcement Division by this <b>COMPLIANCE ORDER</b> shall be submitted to the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraphs III, X, and XI of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."
IV.	To develop and implement, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , an adequate and complete SWP3 as outlined in the (Part II, Section J) and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this <b>COMPLIANCE ORDER</b> .
V.	To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> . The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: <a href="http://www.epa.gov/netdmr">www.epa.gov/netdmr</a> . For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at <a href="mailto:deqnetdmr@la.gov">deqnetdmr@la.gov</a> .)
VI.	To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.
<b>RIGHT TO APPEAL</b>	
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
II.	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 address specified in this document.
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 <b>COMPLIANCE ORDER</b> 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.). The Department may amend or supplement this <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> becoming a permanent part of its compliance history.
VI.	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 <b>COMPLIANCE ORDER</b> 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.
<b>NOTICE OF POTENTIAL PENALTY</b>	
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 Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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 <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.



**CONTACTS AND SUBMITTAL OF INFORMATION**

<p><b>Enforcement Division:</b>                  Louisiana Department of Environmental Quality                  Office of Environmental Compliance                  Water Enforcement Division                  P.O. Box 4312                  Baton Rouge, LA 70821                  Attn: Richard Ober, Jr.</p>	<p><b>Hearing Requests:</b>                  Department of Environmental Quality                  Office of the Secretary                  Post Office Box 4302                  Baton Rouge, Louisiana 70821-4302                  Attn: Hearings Clerk, Legal Division                  Re: Enforcement Tracking No. WE-CN-15-01302                  Agency Interest No. 41239</p>
<p><b>Permit Division (if necessary):</b>                  Department of Environmental Quality                  Office of Environmental Services                  Post Office Box 4313                  Baton Rouge, LA 70821-4313                  Attn: Water Permits Division</p>	<p><b>Physical Address (if hand delivered):</b>                  Department of Environmental Quality                  602 N Fifth Street                  Baton Rouge, LA 70802</p>

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
  - The **COMPLIANCE ORDER** will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.
- To expedite closure of the **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 Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
  - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
  - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
  - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
  - The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or [richard.ober@la.gov](mailto:richard.ober@la.gov).

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

Date: 6-22-16.

cc: Michael Herrin, Manager  
 Northshore Chemical, LLC  
 61134 St. Tammany Avenue  
 Slidell, Louisiana 70460

- Attachment(s)
- Request to Close
  - Attachment A
  - NetDMR Brochure
  - Settlement Brochure



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.	WE-CN-15-01302	Contact Name	Richard Ober, Jr.
Agency Interest (AI) No.	41239	Contact Phone No.	(225) 219-3135
Alternate ID No.	LA0122459		
Respondent:	Northshore Chemical, LLC	Facility Name:	Northshore Chemical, LLC
	c/o Patrick J. Berrigan	Physical Location:	61134 St. Tammany Avenue
	Agent for Service of Process		
	204 Village Street #3	City, State, Zip:	Slidell, Louisiana 70460
	Slidell, Louisiana 70458	Parish:	St. Tammany

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III and V of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
  - In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01302), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
  - In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01302), 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.
    - 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.
- The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01302) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Richard Ober, Jr.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.



## Attachment A

## Effluent Exceedances

Date	Outfall	Parameter	Permit Limit	Sample Value
January 2013 – June 2013	002	Fecal Coliform (Monthly Average)	200 colonies/100 ml	47,000 colonies/100 ml
		Fecal Coliform (Daily Maximum)	400 colonies/100 ml	47,000 colonies/100 ml
July 1, 2013 – December 21, 2013	002	Fecal Coliform (Monthly Average)	200 colonies/100 ml	14,000 colonies/100 ml
		Fecal Coliform (Daily Maximum)	400 colonies/100 ml	14,000 colonies/100 ml
		BOD <sub>5</sub> (Monthly Average )	30 mg/l	91 mg/l
		BOD <sub>5</sub> (Daily Maximum)	45 mg/l	91 mg/l



# SETTLEMENT AGREEMENTS

## 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			
	MAJOR	MODERATE	MINOR	
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$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.





# SETTLEMENT AGREEMENTS

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







*The attached enforcement action requires the use of NetDMR*

## WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

## HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at <http://www.deq.louisiana.gov/netdmr> for training materials and current information offered by LDEQ. Information about EPA's training can be found at [www.epa.gov/netdmr](http://www.epa.gov/netdmr)

## HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at <https://netdmr.epa.gov/netdmr>
2. Choose "Louisiana DEQ" as the Regulatory Authority from the drop-down list
3. Click the "Create a NetDMR Account" link in the login box
4. Complete the account information as required
  - a. Type of user must be "Permittee User"
  - b. Security answers must be unique and are case sensitive
5. Click "Submit" and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click "Request Access" link in the top left corner
10. Enter Permit Number and click "Update"
11. Select "Signatory" role and click "Add Request"
12. Click "Submit" and confirm
13. Provide Signatory Information, click "Submit" and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email [deqnetdmr@la.gov](mailto:deqnetdmr@la.gov).

