

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

FOSTER POULTRY FARMS,
A CALIFORNIA CORPORATION

AI # 17027

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

* Settlement Tracking No.
* SA-WE-18-0066
*
*
* Enforcement Tracking No.
* WE-CN-14-00217
* WE-CN-14-00217A
*
*
* Docket No. 2015-12081-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Foster Poultry Farms, A California Corporation (“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 poultry processing plant located in Farmerville, Union Parish, Louisiana (“the Facility”).

II

On June 10, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00217 (Exhibit 1).

On August 23, 2018, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00217A (Exhibit 2), wherein the Department amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00217, attached as Exhibit 1, to (among other things)

remove certain paragraphs of the Findings of Fact portion thereof, as more fully stated in Exhibit 2.

III

In addition to the violations cited in Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00217 and (and as amended by) Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00217A, this settlement includes and resolves all claims related to any violations of or noncompliance with LPDES Permit LA0100811 and/or the Louisiana Water Quality Regulations during the period from March 1, 2014 through December 31, 2019, disclosed to the Department in writing (by discharge monitoring reports or otherwise) or otherwise known to the Department.

IV

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

V

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

VI

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-NINE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$29,500.00), of which Seven Hundred Sixteen and 21/100 Dollars (\$716.21) 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).

VII

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended Consolidated Compliance Order & Notice 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. It is expressly understood and agreed, however, that the Findings of Fact paragraphs that were removed by Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00217A, attached as Exhibit 2, and portions of any inspection reports and permit records related to such removed paragraphs, shall not be considered for purposes of determining Respondent's compliance history.

VIII

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.

IX

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.

X

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.

XI

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

XII

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 A).

XIII

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

XIV

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.

**FOSTER POULTRY FARMS,
A CALIFORNIA CORPORATION**

BY: _____
(Signature)

Randy E. Boyce
(Printed)

TITLE: Senior Vice President &
General Counsel

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

NOTARY PUBLIC (ID # _____)

See attached.
(stamped or printed)

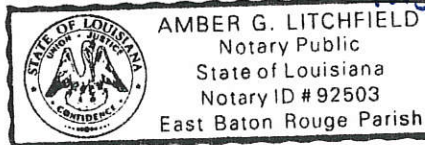
**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Chuck Carr Brown, Ph.D., Secretary

BY: _____

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 4th day of October, 20 21, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: _____

Lourdes Iturralde, Assistant Secretary

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Merced }

On September 23, 2021 before me, Maggie Saragoza, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Randall C. Boyce
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maggie Saragoza
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: State of Louisiana- Environmental Settlement

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____

Signer's Name: _____
 Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 10, 2014

CERTIFIED MAIL (7004 2510 0005 5763 2861)
RETURN RECEIPT REQUESTED

FOSTER POULTRY FARMS, A CALIFORNIA CORPORATION
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

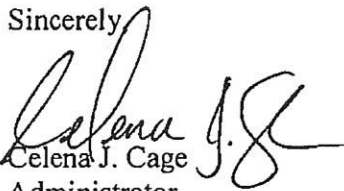
**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-14-00217
AGENCY INTEREST NO. 17027**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **FOSTER POULTRY FARMS, A CALIFORNIA CORPORATION (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 Scott B. Pierce at (225) 219-3723.

Sincerely

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0100811
Attachment



e-copy: Mona Bates, EPA

c: Mr.Randall C. Boyce, Vice-President
Foster Poultry Farms, A California Corp.
1000 Davis St.
Livingston, CA 95334

Carrie Castille, Ph.D.
Louisiana Department of Agriculture & Forestry
P.O. Box 631
Baton Rouge, La. 70821-0631

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

IN THE MATTER OF

**FOSTER POULTRY FARMS,
A CALIFORNIA CORPORATION
UNION PARISH
ALT ID NO. LA0100811**

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

| | |
|---|---------------------------------|
| * | |
| * | |
| * | ENFORCEMENT TRACKING NO. |
| * | |
| * | WE-CN-14-00217 |
| * | |
| * | AGENCY INTEREST NO. |
| * | |
| * | 17027 |
| * | |
| * | |

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **FOSTER POULTRY FARMS, A CALIFORNIA CORPORATION (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 poultry processing plant known as the Farmerville Complex. The facility is located at 6648 Highway 15 North in Farmerville, Union Parish, Louisiana. The Respondent was issued LPDES Permit LA0100811 on February 3, 2010, with an effective date of March 1, 2010, which will expire on February 28, 2015. Under the terms and conditions of LPDES Permit LA0100811, the Respondent is authorized to discharge process wastewater and storm water runoff into an unnamed ditch, thence into Hunnicut Creek, thence into Fourmile Creek, thence into D'Arbonne Lake, all waters of the state.

II.

On or about May 6, 2009, the Department issued **ADMINISTRATIVE ORDER ON CONSENT MM-AO-09-0022** to the Respondent. The purpose of the **ADMINISTRATIVE ORDER ON CONSENT** was to allow the Respondent to operate and/or discharge and emit pollutants under the currently effective LPDES and Air Quality Permits until the permits were transferred to the Respondent. In accordance with the **ADMINISTRATIVE ORDER ON CONSENT**, the Respondent was to perform compliance inspections at newly acquired facilities, including the Farmerville Complex, purchased from Pilgrim's Pride Corporation. The inspections were performed by the Respondent and the results were to be used to initiate the necessary steps to bring the facilities into compliance with appropriate permits and rules and regulations. On or about January 28, 2010, the Respondent submitted notification to the Department that steps had been taken to achieve compliance with **ADMINISTRATIVE ORDER ON CONSENT MM-AO-09-0022**, and thus effectively ended all terms and conditions of the Order.

III.

An inspection on December 12, 2013, pursuant to a citizen's complaint, and a subsequent file review on April 21, 2014, conducted by the Department revealed that the Respondent exceeded the effluent limitations contained in LPDES Permit LA0100811. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized below:

| DATE | OUTFALL | PARAMETER | PERMIT LIMIT | SAMPLE VALUE |
|---------------|---------|-----------|--------------|--------------|
| February 2010 | 001 | pH, Max. | 9.0 s.u. | 9.34 s.u. |
| | | pH, Max. | 9.0 s.u. | 9.3 s.u.* |
| | | pH, Max. | 9.0 s.u. | 9.2 s.u.* |
| | | pH, Max. | 9.0 s.u. | 9.1 s.u.* |
| | | pH, Max. | 9.0 s.u. | 9.1 s.u.* |
| | | pH, Max. | 9.0 s.u. | 9.1 s.u.* |
| April 2010 | 001 | pH, Max. | 9.0 s.u. | 9.48 s.u. |
| | | pH, Max. | 9.0 s.u. | > 9.0 s.u.* |
| | | pH, Max. | 9.0 s.u. | > 9.0 s.u.* |
| | | pH, Max. | 9.0 s.u. | > 9.0 s.u.* |
| | | pH, Max. | 9.0 s.u. | > 9.0 s.u.* |
| | | pH, Max. | 9.0 s.u. | > 9.0 s.u.* |
| | | pH, Max. | 9.0 s.u. | > 9.0 s.u.* |

| DATE | OUTFALL | PARAMETER | PERMIT LIMIT | SAMPLE VALUE |
|---------------|---------|------------------------------|----------------|--------------------|
| June 2010 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 736 col/100 mL |
| July 2010 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 638 col/100 mL |
| | | Oil and Grease, Monthly Avg. | 8 mg/L | 11.8 mg/L |
| | | Oil and Grease, Daily Max. | 14 mg/L | 30.6 mg/L |
| November 2010 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 800 col/100 mL |
| December 2010 | 001 | NH3-N, Daily Max. | 8 mg/L | 10.5 mg/L |
| | | Fecal Coliform, Daily Max. | 400 col/100 mL | 495 col/100 mL |
| February 2011 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 800 col/100 mL |
| May 2011 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 480 col/100 mL |
| | | Total Nitrogen, Monthly Avg. | 103 mg/L | 124 mg/L |
| | | Total Nitrogen, Daily Max. | 147 mg/L | 148 mg/L |
| July 2011 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 800 col/100 mL |
| February 2012 | 001 | Total Nitrogen, Monthly Avg. | 103 mg/L | 113.97 mg/L |
| October 2012 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 1,360 col/100 mL |
| November 2012 | 001 | Total Nitrogen, Monthly Avg. | 103 mg/L | 130.87 mg/L |
| December 2012 | 001 | Total Nitrogen, Monthly Avg. | 103 mg/L | 115.36 mg/L |
| March 2013 | 001 | Total Nitrogen, Monthly Avg. | 103 mg/L | 109 mg/L |
| April 2013 | 001 | Fecal Coliform, Monthly Avg. | 200 col/100 mL | 1,225.8 col/100 mL |
| | | Fecal Coliform, Daily Max. | 400 col/100 mL | 4,000 col/100 mL |
| | | Fecal Coliform, Daily Max. | 400 col/100 mL | 2,000 col/100 mL |
| | | Fecal Coliform, Daily Max. | 400 col/100 mL | 830 col/100 mL |
| May 2013 | 001 | Fecal Coliform, Daily Max. | 400 col/100 mL | 540 col/100 mL |
| February 2014 | 001 | Fecal Coliform, Monthly Avg. | 200 col/100 mL | 294 col/100 mL |
| | | Fecal Coliform, Daily Max. | 400 col/100 mL | 800 col/100 mL |

* additional exceedance reported on NCR .

Each exceedance of the permit effluent limitations is a violation of LPDES Permit LA0100811 (Part I, Page 2 of 3, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

IV.

An inspection on December 12, 2013, pursuant to a citizen's complaint, and a subsequent file review on April 21, 2014, conducted by the Department revealed that the Respondent reported lethal and/or sub-lethal toxicity test failures of the effluent. Specifically, the Respondent exhibited effluent lethality and/or sub-lethality for the *Ceriodaphnia dubia* (*C. dubia*) and/or *Pimephales promelas* (*P. promelas*) test species at or below the critical dilution established by LPDES Permit LA0100811 as

summarized below:

| Monitoring Period | Outfall | Characteristic | Permit Requirement | Reported Value |
|-------------------------|---------|---|--------------------|----------------|
| April – June 2010 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| July 2010 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| August 2010 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) Retest #2 | Pass | Fail |
| September 2010 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) Retest #3 | Pass | Fail |
| July – September 2010 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) Retest #2 | Pass | Fail |
| October – December 2010 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| January – March 2011 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| | | <i>P. promelas</i> (sub-lethal) | Pass | Fail |
| April – June 2011 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| July – September 2011 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| October – December 2011 | 001 | <i>P. promelas</i> (lethal) | Pass | Fail |
| | | <i>P. promelas</i> (sub-lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| January – March 2012 | 001 | <i>P. promelas</i> (lethal) | Pass | Fail |
| | | <i>P. promelas</i> (sub-lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| April – June 2012 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| June 2012 | 001 | <i>C. dubia</i> (sub-lethal), Additional Test per TRE | Pass | Fail |
| July – September 2012 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| October – December 2012 | 001 | <i>P. promelas</i> (lethal) | Pass | Fail |
| | | <i>P. promelas</i> (sub-lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| January – March 2013 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| July – September 2013 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| September 2013 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| October – December 2013 | 001 | <i>C. dubia</i> (lethal) | Pass | Fail |
| | | <i>C. dubia</i> (sub-lethal) | Pass | Fail |
| November 2013 | 001 | <i>C. dubia</i> (sub-lethal) | Pass | Fail |

Each lethal and/or sub-lethal test failure of the effluent for toxicity is a violation of LPDES permit LA0100811 (Part I, Pages 2 and 3 of 3, Part II, Section L.1, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

V.

On or about December 18, 2012, the Respondent submitted the final report of their Toxicity Reduction Evaluation (TRE) Plan to the Department. The results indicated that the toxicity could possibly be from two different sources. One suspected source is the residual level of quaternary ammonia identified by lab analysis at several locations within the wastewater treatment system. Quaternary ammonia or ammonia chloride is used at the facility as an anti-microbial sanitizing agent. The other suspected source is the relatively high concentration of nitrate in the final wastewater discharge. However, according to the Respondent the actual toxicant had not been positively identified. Subsequently in the same report, the Respondent requested an additional two years to continue the existing TRE Plan in order to concentrate efforts to reduce the quaternary ammonia being used at the plant and where possible, replace with an acceptable alternative as well as improve de-nitrification to reduce the nitrate level at the final outfall. The Respondent proposed an increase schedule of analytical testing during the extended TRE Plan to track progress results. The Department did not approve this request.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations, and the terms and conditions established under LPDES Permit LA0100811 including, but not limited to complying with effluent limitations and reducing toxicity in order to eliminate lethal and sub-lethal toxicity test failures.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report summarizing all toxicity data collected from additional tests conducted after the December 2012 request to extend the TRE Plan. The written report shall also include a description of other actions taken since the submittal of the final TRE report on December 18, 2012.

III.

In the event the Respondent believes that complete correction is not physically possible within thirty (30) days, the Respondent shall submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan for the expeditious elimination and prevention of such

noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

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
Attn: Scott B. Pierce
Re: Enforcement Tracking No. WE-CN-14-00217
Agency Interest No. 17027

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-14-00217
Agency Interest No. 17027

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 Scott B. Pierce at (225) 219-3723 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 10 day of June, 2014.



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: Scott B. Pierce



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 23, 2018

CERTIFIED MAIL (7016 2140 0000 5132 8925)
RETURN RECEIPT REQUESTED

FOSTER POULTRY FARMS, A CALIFORNIA CORPORATION
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-14-00217A
AGENCY INTEREST NO. 17027**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **FOSTER POULTRY FARMS, A CALIFORNIA CORPORATION (RESPONDENT)** for the violation described therein.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3723.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0100811
Attachment



e-copy: Mona Bates, EPA

c: Mr.Randall C. Boyce, Vice-President
Foster Poultry Farms, A California Corp.
1000 Davis St.
Livingston, CA 95334

Carrie Castille, Ph.D.
Louisiana Department of Agriculture & Forestry
P.O. Box 631
Baton Rouge, La. 70821-0631

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

IN THE MATTER OF

**FOSTER POULTRY FARMS,
A CALIFORNIA CORPORATION
UNION PARISH
ALT ID NO. LA0100811**

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ENFORCEMENT TRACKING NO.

WE-CN-14-00217A

AGENCY INTEREST NO.

17027

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

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

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-14-00217** issued to **FOSTER POULTRY FARMS, A CALIFORNIA CORPORATION (RESPONDENT)** on June 10, 2014, in the above-captioned matter as follows:

I.

The Department hereby removes paragraphs IV and V of the Findings of Fact.

II.

The Department hereby amends paragraph I of the Order to read as follows:

“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, and the terms and conditioned establish under LPDES Permit LA0100811 including, but not limited to complying with effluent limitations.”

III.

The Department hereby removes paragraph II of the Order.

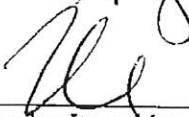
IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-14-00217** and **AGENCY INTEREST NO. 17027** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 23rd day of August, 2018.



Lourdes Iturralde
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
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce