

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

FRIENDS ENTERPRISES, L.L.C.

AI # 75141

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

\* Settlement Tracking No.  
\* SA-UE-17-0058  
\*  
\* Enforcement Tracking No.  
\* UE-PP-11-01317  
\* UE-PP-14-00989  
\*  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Friends Enterprises, L.L.C. (“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 owned and/or operated a facility located in Bayou Vista, St. Mary Parish, Louisiana (“the Facility”).

II

On April 4, 2012, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. UE-PP-11-01317 (Exhibit 1).

On April 1, 2015, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. UE-PP-14-00989 (Exhibit 2).

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 THREE THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$3,600.00), of which Six Hundred Fifty-Six and 78/100 Dollars (\$656.78) 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 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. Mary 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 over a period of three (3) months in the amount of One Thousand Two Hundred and No/100 Dollars (\$1,200.00) per month. 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). Payments are due on the first of the month, and considered late if not received by the Department by the tenth of each month. The first payment is due on the first day of the month following the Respondent's receipt of the finalized settlement documents.

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.

**FRIENDS ENTERPRISES, L.L.C.**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

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

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at Baton Rouge, Louisiana.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved:  \_\_\_\_\_  
Lourdes Iturralde, Assistant Secretary



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

# State of Louisiana

## DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

April 4, 2012

CERTIFIED MAIL 7005 1820 0002 2361 1837/1394  
RETURN RECEIPT REQUESTED

**FRIENDS ENTERPRISES, INC.**

c/o John O'Neill  
Agent for Service of Process  
400 Eastwood Road  
Franklin, LA 70538

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. UE-PP-11-01317  
AGENCY INTEREST NO. 75141**

Dear Sir:

On or about April 30, 2009, and September 20, 2011, inspections and a subsequent file review of **CIRCLE K # 4782**, owned and/or operated by **FRIENDS ENTERPRISES, INC. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Underground Storage Tanks Regulations. The facility is located at 1415 Highway 90 East in Bayou Vista, St. Mary Parish, Louisiana.

On or about December 8, 2009, Compliance Order UE-C-09-0461 was issued to the Respondent for violations of the Underground Storage Tanks Regulations. Compliance Order UE-C-09-0461 was not appealed and is considered a final action by the Department.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections and file review:

- A. The Respondent failed to submit a completed copy of the UST registration form (UST-REG-01) to the Office of Environmental Compliance after the UST system has been temporarily closed for three (3) months or more (since September 2003) indicating the dates the UST system was temporarily closed, in violation of LAC 33:XI.903.B.3 and UE-C-09-0461. Specifically, no notification was submitted to the Department for three (3) inactive USTs.
- B. The Respondent failed to complete a site assessment in accordance with LAC 33:XI.907, and submit the assessment results within sixty (60) days after the



Notice of Potential Penalty  
Friends Enterprises, Inc.  
Page 2

~~UST system had been temporarily closed for over twenty-four (24) months, in violation of LAC 33:XI.903.D and UE-C-09-0461.~~

- C. The Respondent failed to pay the prescribed annual fees within ninety (90) days after the due date, in violation of LAC 33:XI.307.D and UE-C-09-0461. Specifically, there is an outstanding balance with the Department for unpaid UST annual fees for 2005 through 2011.
- D. The Respondent failed to continue the maintenance of corrosion protection when a UST system is temporarily closed, in accordance with LAC 33:XI.503, in violation of LAC 33:XI.903.A and UE-C-09-0461. Specifically, the metal components beneath the dispensers are in contact with soil and are not protected from corrosion, and the impressed current system for the USTs is inoperable.

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.

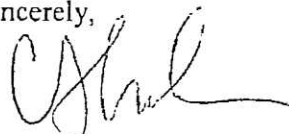
Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Justin Kennedy at (225) 219-3805 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Cheryl Sonnier Nolan  
Assistant Secretary



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

April 1, 2015

CERTIFIED MAIL 7014 1200 0000 7863 7662  
RETURN RECEIPT REQUESTED

**FRIENDS ENTERPRISES, L.L.C.**  
c/o Michael A. Mayhall  
Agent for Service of Process  
510 North Jefferson Street  
Covington, LA 70433

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. UE-PP-14-00989  
AGENCY INTEREST NO. 75141**

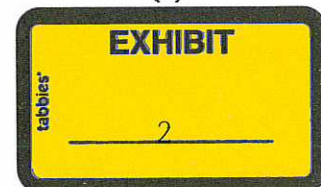
Dear Sir:

On or about August 28, 2014, an inspection and a subsequent file review of **CIRCLE K # 4782**, owned and/or operated by **FRIENDS ENTERPRISES, L.L.C. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Underground Storage Tanks Regulations. The facility is located at 1415 Highway 90 East in Bayou Vista, St. Mary Parish, Louisiana.

On or about December 8, 2009, Compliance Order UE-C-09-0461 was issued to the Respondent for violations of the Underground Storage Tanks Regulations. Compliance Order UE-C-09-0461 was not appealed and is considered a final action by the Department.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to submit a completed copy of the UST registration form (UST-REG-01) to the Office of Environmental Compliance after the UST system has been temporarily closed for three (3) months or more (since September 2003) indicating the dates the UST system was temporarily closed, in violation of LAC 33:XI.903.B.3, UE-C-09-0461, and LAC 33:XI.1503.A. Specifically, no notification was submitted to the Department for three (3) inactive USTs.





Notice of Potential Penalty  
Friends Enterprises, L.L.C.  
Page 2

- B. The Respondent failed to complete a site assessment in accordance with LAC 33:XI.907, and submit the assessment results within sixty (60) days after the UST system had been temporarily closed for over twenty-four (24) months, in violation of LAC 33:XI.903.D, UE-C-09-0461, and LAC 33:XI.1503.A.
- C. The Respondent failed to pay the prescribed annual fees within ninety (90) days after the due date, in violation of LAC 33:XI.307.D, UE-C-09-0461, and LAC 33:XI.1503.A. Specifically, there is an outstanding balance with the Department for unpaid UST annual fees for 2010 through 2014.

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.

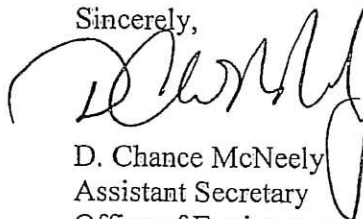
Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tom Cranford at (225) 219-3095 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



D. Chance McNeely  
Assistant Secretary  
Office of Environmental Compliance

DCM/TLC/tlc  
Alt ID No. 51-002091