

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

GUIDRY'S CATFISH, INC.

AI # 125017

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

* Settlement Tracking No.
* SA-WE-19-0086
*
* Enforcement Tracking No.
* WE-CN-15-01026
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SETTLEMENT

The following Settlement is hereby agreed to between Guidry's Catfish, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates a seafood processor located in Breaux Bridge, St. Martin Parish, Louisiana ("the Facility").

II

On May 27, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01026 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SIXTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$16,500.00), of which One Thousand Two Hundred One and 97/100 Dollars (\$1,201.97) 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 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.

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. Martin 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 A).

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.

GUIDRY'S CATFISH, INC.

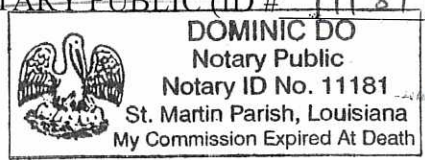
BY: *Jason J Guidry*
(Signature)

Jason J Guidry
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 14th day of FEBRUARY, 20 20, at HENDERSON.

[Signature]
NOTARY PUBLIC (ID # 11181)



(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 6th day of May, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: *[Signature]*
Lourdes Iturralde, Assistant Secretary

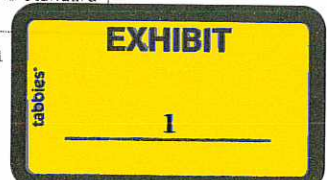
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-CN-15-01026	Certified Mail No.	7004 2510 0006 3853 2875	
Agency Interest (AI) No.	125017	Contact Name	Richard Ober, Jr.	
Alternate ID No.	LA0122904	Contact Phone No.	(225) 219-3135	
Respondent:	Guidry's Catfish, Inc.	Facility Name:	Guidry's Catfish, Inc.	
	c/o Bobby J. Guidry	Physical Location:	1093 Henderson Highway	
	Agent for Service of Process			
	1060 Anglenwood Circle	City, State, Zip:	Breaux Bridge, Louisiana 70517	
	Breaux Bridge, Louisiana 70517	Parish:	St. Martin	

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).

FINDINGS OF FACT

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 seafood processor located at 1093 Henderson Highway in Breaux Bridge, St. Martin Parish, Louisiana. LPDES Permit LA0122904 was issued to the Respondent with an effective date of November 1, 2007, and an expiration date of October 31, 2012. LPDES Permit LA0122904 was administratively continued until it was reissued to the Respondent with an effective date of February 1, 2013, and an expiration date of January 31, 2017. Under the terms and conditions of LPDES Permit LA0122904, the Respondent is permitted to discharge catfish processing wastewater including transport water, shrimp packing water, and previously monitored treated sanitary wastewater, and non-contact cooling water into local drainage to Coulee Nicole, thence to Bayou Portage, all waters of the state.
	Description of Violation
II.	Date of Violation Inspection(s) June 19, 2015 The Respondent failed to properly operate and maintain its wastewater treatment plant. Specifically, for the wastewater treatment plant for the main building, there was no air getting into the aeration basin of the plant and no chlorine present in the contact tube for disinfection. (LPDES permit LA0122904 (Standard Conditions for LPDES Permits, Sections B.3.a and A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)
III.	Date of Violation Inspection(s) June 19, 2015 The Respondent caused and/or allowed the discharge of floating or settleable solids into the receiving stream. Specifically, the inspection on June 19, 2015, revealed that the discharge from Outfall 001 was red in color and the receiving stream was red in color with grease/fat observed in it. The red water persisted for at least 150 yards downstream. (LPDES permit LA0122904 (Narrative Requirements (Outfall 001), Condition No. T-3, page 2 of 4 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.1113.B.1.a and b) The discharge of red colored wastewater resulted in an objectionable color to the receiving stream, waters of the state. (La. R.S. 30:2076(A)(3), LAC 33:IX.1113.B.1.c, and LAC 33:IX.1113.B.2.a.)
IV.	Date of Violation File Review December 14, 2015 The Respondent failed to comply with LPDES permit LA0122904. Specifically, the Respondent failed to submit monthly Discharge Monitoring Reports (DMRs) for Outfalls 001 and 002 for the months of October 2012, November 2012, and December 2012. (LPDES permit LA0122904 (Narrative Requirement (Outfall 001), page 3 of 8; Narrative Requirement (Outfall 002), page 7 of 8; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a) The Respondent failed to submit monthly Discharge Monitoring Reports (DMRs) for Outfalls 001 and 002 for the months of April 2015, May 2015, June 2015, July 2015, August 2015 and September 2015. Additionally, the DMR for Outfall 002 for the month of December 2014 was not submitted. (LPDES permit LA0122904 (Submittal/Action Requirement Condition S-1 (Outfall 001), page 2 of 4; Submittal/Action Requirement Condition S-1 (Outfall 002), page 4 of 4; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a) DMRs for Outfall 101 were not submitted for the quarterly periods of April 2015 through June 2015 and July 2015 through September 2015. (LPDES permit LA0122904 (Submittal/Action Requirement Condition S-1, page 3 of 4 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)
V.	Date of Violation File Review December 14, 2015 The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit monthly DMRs for Outfalls 001 and 002 no later than the 28th day of the month following each quarterly reporting period. Specifically, the Respondent did not submit timely DMRs for Outfalls 001 and 002 for the following monthly monitoring periods: July 2014, August 2014, and September 2014. The DMRs for Outfalls 001 and 002 for those monthly monitoring periods were due by October 28, 2014, but were received by the Department with a postmark date of June 19, 2015. The Respondent is required to submit quarterly DMRs for Outfall 101 no later than the 28th day of the month following each quarterly monitoring period. The DMR for Outfall 101 for the quarterly period of July through September 2014 was due by October 28, 2014, but was received by the Department with a postmark date of June 19, 2015. (LPDES permit LA0122904 (Submittal/Action Requirements (Outfalls 001, 002 and 101), Condition No. S-1, pages 2, 3 and 4 of 4 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)
VI.	Date of Violation File Review December 14, 2015 The Respondent failed to comply with LPDES permit LA0122904. Specifically, between January 2011 and March 2015, the Respondent reported exceedances of permit effluent limitations for Total Suspended Solids (TSS) and Fecal Coliform for Outfall 101. See Attachment A (LPDES permit LA0122904 (Facility Requirements, Limitation Requirements (Outfall 101), page 4 of 8 prior to February 1, 2013; Effluent Limitations and Monitoring Requirements, pages 4 and 5 of 7 on or after February 1, 2013; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)



VII.	File Review December 14, 2015	The Respondent failed to comply with LPDES permit LA0122904. Specifically, the Respondent failed to submit complete monthly (Outfall 002) and quarterly (Outfall 101) Discharge Monitoring Reports (DMRs). Specifically, for Outfall 002, the Respondent reported the daily maximum flow on the DMR, but failed to report the monthly average flow on the monthly DMRs from February 2013 to November 2014 and January 2015 through March 2015. Specifically, for Outfall 101, based on the permit requirement limitation listed on the DMRs for Fecal Coliform, BOD ₅ , and TSS, the Respondent reported the daily maximum sample results on the quarterly DMRs in the average column from February 2013 through March 2015. However, the Respondent failed to report the monthly average sample results for Fecal Coliform, BOD ₅ , and TSS on its quarterly DMRs from February 2013 to March 2015, with the exception of the monthly average Fecal Coliform results reported on the April 2013 through June 2013 DMR and January 2015 through March 2015 DMR. Additionally, the Respondent failed to report the monthly average flow on the DMRs for Outfall 101 on its quarterly DMRs from February 2013 to March 2015. (LPDES permit LA0122904 (Effluent Limitations and Monitoring Requirements (Outfalls 002 and 101), pages 4, 5 and 6 of 7 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)
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ORDER

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 all 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 COMPLIANCE ORDER, 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 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 the Department at the address specified in this document.
III.	To immediately cease, upon receipt of this COMPLIANCE ORDER, discharges from the Respondent's facility to waters of the state which result in an objectionable color and contain floating or settleable solids.
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraphs IV and VII 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."
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 COMPLIANCE ORDER. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: www.epa.gov/netdmr . For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov .)
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.

RIGHT TO APPEAL

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 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 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.). 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 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 Richard Ober, Jr. at (225) 219-3135 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.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.	Hearing Requests: 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-15-01026 Agency Interest No. 125017
Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**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 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 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.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 5/27/16

- Attachment(s)
- Request to Close
 - Attachment A
 - NetDMR brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE				
Enforcement Tracking No.	WE-CN-15-01026	Contact Name	Richard Ober, Jr.	
Agency Interest (AI) No.	125017	Contact Phone No.	(225) 219-3135	
Alternate ID No.	LA0122904			
Respondent:	Guidry's Catfish, Inc.	Facility Name:	Guidry's Catfish, Inc.	
	c/o Bobby J. Guidry	Physical Location:	1093 Henderson Highway	
	Agent for Service of Process			
	1060 Anglewood Circle	City, State, Zip:	Breaux Bridge, Louisiana 70517	
	Breaux Bridge, Louisiana 70517	Parish:	St. Martin	
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 IV and V 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)				
<i>(check the applicable option)</i>				
<input type="checkbox"/>	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.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01026), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01026), 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. <ul style="list-style-type: none"> • 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.			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01026) 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 Post Office 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 2011 – March 2011	101	Fecal Coliform	400 colonies/100 ml (Weekly Average)	1,500 colonies/100 ml
April 2012 – June 2012	101	TSS	45 mg/l (Weekly Average)	68 mg/l
January 2013 – March 2013	101	TSS	30 mg/l (Monthly Average)	41 mg/l
April 2013 – June 2013	101	Fecal Coliform	400 colonies/100 ml (Daily Maximum)	"TNTC" (too numerous to count)
October 2013 – December 2013	101	TSS	30 mg/l (Monthly Average)	34 mg/l
January 2014 – March 2014	101	TSS	30 mg/l (Monthly Average)	56 mg/l
January 2014 – March 2014	101	TSS	45 mg/l (Daily Maximum)	56 mg/l
October 2014 – December 2014	101	Fecal Coliform	200 colonies/100 ml (Monthly Average)	"TNTC" (too numerous to count)
October 2014 – December 2014	101	Fecal Coliform	400 colonies/100 ml (Daily Maximum)	"TNTC" (too numerous to count)
January 2015 – March 2015	101	Fecal Coliform	200 colonies/100 ml (Monthly Average)	2,305 colonies/100 ml
January 2015 – March 2015	101	Fecal Coliform	400 colonies/100 ml (Daily Maximum)	4,600 colonies/100 ml



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

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.

