

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PLEASANT OAKS PARK LLC

AI # 38227

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

\* Settlement Tracking No.  
\* SA-WE-22-0080  
\*  
\* Enforcement Tracking No.  
\* WE-CN-21-00554  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Pleasant Oaks Park 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 owned and/or operated a sewage treatment plant located in Walker, Livingston Parish, Louisiana (“the Facility”).

II

On November 4, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00554 (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 SIX THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$6,700.00), of which Seven Hundred Eighty-Seven and 52/100 Dollars (\$787.52) 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 Livingston 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.

PLEASANT OAKS PARK LLC

BY: [Signature]  
(Signature)  
JOHNNY MARR  
(Printed)

TITLE: member/manager

THUS DONE AND SIGNED in duplicate original before me this 22<sup>nd</sup> day of December, 20 22, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 25459)

**Wm. ALAN MILLER**  
**NOTARY PUBLIC**  
**LA BAR ROLL NO. 25459**  
**EAST BATON ROUGE PARISH, LA**  
**MY COMMISSION EXPIRES AT DEATH**

William Alan Miller  
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Roger W. Gringles, Secretary

BY: [Signature]  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 31<sup>st</sup> day of May, 20 23, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 66881)  
Jay L. Glorioso  
(stamped or printed)

Approved: [Signature]  
Celena J. Cage, Assistant Secretary





JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, PH.D.  
SECRETARY

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

NOV 4 2021

CERTIFIED MAIL (7020 1290 0001 0463 1170)  
RETURN RECEIPT REQUESTED

**PLEASANT OAKS PARK LLC**  
c/o John G. Mann  
Agent for Service of Process  
1300 Steele Boulevard  
Baton Rouge, Louisiana 70806

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-21-00554  
AGENCY INTEREST NO. 38227**

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 **PLEASANT OAKS PARK LLC (RESPONDENT)** for the violations described therein.

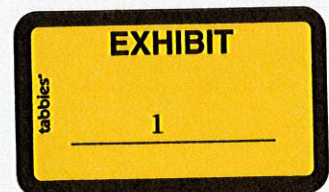
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Bernie Boyett at (225) 219-0783.

Sincerely,

Angela Marse  
Administrator  
Enforcement Division

AM/BKB/bkb  
Alt ID No. LAG540552  
Attachments



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

<b>IN THE MATTER OF</b>	*	
	*	
<b>PLEASANT OAKS PARK LLC</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>LIVINGSTON PARISH</b>	*	
<b>ALT ID NO. LAG540552</b>	*	<b>WE-CN-21-00554</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
	*	
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	<b>38227</b>
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	
<b>La. R.S. 30:2001, <u>ET SEQ.</u></b>	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **PLEASANT OAKS PARK 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 sewage treatment plant (STP) that serves the Pleasant Oaks Mobile Home Park located at 11482 Florida Boulevard in Walker, Livingston Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Permit LAG540000, and was specifically assigned permit number LAG540552, with an effective date of May 16, 2014. LPDES Permit LAG540552 had an expiration date of June 30, 2018, and was administratively continued. LPDES Permit LAG540552 was reissued with an effective date of October 19, 2018, and an expiration date of July 31, 2023. Under the terms and conditions of LPDES Permit LAG540552, the Respondent is authorized to



discharge treated sanitary wastewater into an unnamed ditch, thence into Hornsby Creek, thence into Colyell Creek, thence into Colyell Bay, waters of the state. The Respondent was granted coverage under Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 effective January 1, 2013. General Permit LAJ660000 expired on January 31, 2015, and was administratively continued. Under the terms and conditions of General Permit LAJ660000, the Respondent is authorized to have sewage sludge pumped out or removed from the sanitary wastewater treatment works.

## II.

An inspection conducted by the Department on or about March 8, 2021, and a subsequent file review conducted by the Department on or about July 29, 2021, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) are summarized in the following table:

MP End Date	Outfall	Parameter	Limit	DMR Value	DMR Units
03/31/2018	001-Q	Coliform, fecal general --- MOAV GEO	200	>2000	#/100mL
		Coliform, fecal general --- DAILY MX	400	>2000	#/100mL
		BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	68.6	mg/L
		BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	68.6	mg/L
09/30/2019	001-Q	Nitrogen, ammonia total [as N] --- MO AVG	10	12.1	mg/L
03/31/2020	001-Q	Solids, total suspended --- MO AVG	15	26	mg/L
		Solids, total suspended --- DAILY MX	23	26	mg/L
		BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	21.5	mg/L
		BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	21.5	mg/L
06/30/2020	001-Q	Solids, total suspended --- MO AVG	15	25	mg/L
		Solids, total suspended --- DAILY MX	23	25	mg/L
03/31/2021	001-Q	Solids, total suspended --- MO AVG	15	34	mg/L
		Solids, total suspended --- DAILY MX	23	34	mg/L
06/30/2021	001-Q	Solids, total suspended --- MO AVG	15	42	mg/L
		Solids, total suspended --- DAILY MX	23	42	mg/L

Each effluent limitation exceedance is a violation of LPDES permit LAG540552 (Effluent Limitations and Monitoring Requirements, Page 9 of 21 prior to October 19, 2018; Effluent Limitations and Monitoring Requirements, Pages 10 and 14 of 25 after October 19, 2018; 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 March 8, 2021, revealed that the Respondent had the following operation and maintenance deficiencies:

1. There was insufficient aeration because one of the aeration pumps was inoperable;
2. The skimmer was not working properly;
3. There were floating solids in the clarifier;
4. The outfall discharge was turbid; and
5. There was sludge in the receiving stream.

Failure to properly operate and maintain the facility is a violation of LPDES permit LAG540552 (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. The discharge of wastewater which alters the aesthetics of waters of the state is a violation of LPDES permit LAG540552 (Other Requirements, Section G; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.1113.B.1.

### IV.

An inspection conducted by the Department on or about March 8, 2021, revealed that the Respondent failed to sample in accordance with LPDES permit LAG540552. Specifically, LPDES permit LAG540552 requires the Respondent to sample quarterly for Total Nitrogen. Total Nitrogen is defined by Total Kjeldahl Nitrogen plus Nitrate/Nitrite. For the second quarter of 2019, the Respondent only sampled for Total Kjeldahl Nitrogen, and failed to sample for Nitrate/Nitrite. The failure to sample is a violation of LPDES permit LAG540552 (Effluent Limitations and Monitoring Requirements, Page 19 of 25 after October 19, 2018; and Standard Conditions for LPDES Permits, Sections A.2, and C.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

### V.

An inspection conducted by the Department on or about March 8, 2021, and a subsequent file review conducted by the Department on or about July 29, 2021, revealed that the Respondent failed to report sample values for Total Ammonia Nitrogen and CBOD for the second quarter of 2019 and CBOD for the third quarter of 2019. The analytical reports for the second quarter 2019 stated a sample value of 12.1 mg/L for Ammonia Nitrogen and Not Detected (ND) for CBOD and

the analytical reports for the third quarter of 2019 stated a sample value of ND for CBOD. No sampling data was reported for the aforementioned parameters on the corresponding DMRs. Additionally, the Respondent inaccurately reported Total Nitrogen and Total Ammonia Nitrogen for the third quarter of 2019. The analytical reports for the third quarter of 2019 stated a sample value of 10.2 mg/L for Ammonia Nitrogen and a combined total of Total Kjeldahl Nitrogen (12.1 mg/L) plus Nitrate/Nitrite (0.10 mg/L) of 12.2 mg/L for Total Nitrogen. The Respondent reported sample values of 12.1 mg/L for Total Ammonia Nitrogen and 0.10 mg/L for Total Nitrogen on the corresponding DMR. Each failure to accurately report a sample value is a violation of LPDES permit LAG540552 (Effluent Limitations and Monitoring Requirements, Pages 14 and 19 of 25 after October 19, 2018; 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 March 8, 2021, and a subsequent file review conducted by the Department on or about July 29, 2021, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2019, due January 28, 2020, as required by General Permit LAJ660000. The failure to submit the required report is a violation of General Permit LAJ660000 (Specific Conditions, Section C; and Standard Conditions, Section A.2) La. R.S. 30:2076 (A)(3), and LAC 33:IX.7313.A.2.

**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 achieve and maintain compliance with LPDES permit LAG540552, the Water Quality Regulations, and General Permit LAJ660000 including, but not limited to, complying with all effluent limitations, properly operating and maintaining the facility, properly disposing sewage sludge at a permitted solid waste facility, maintaining the aesthetics of the waters of the state, sampling as required, accurately reporting sample values, and submitting the annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms.

**II.**

In the event the Respondent believes that complete correction is not physically possible within thirty (30) days, for the violations cited in Paragraphs II and III of the Findings of Fact portion of this **COMPLIANCE ORDER**, 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.

**III.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form mentioned in Paragraph VI of the Findings of Fact portion of this Order.

**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: **Bernie Boyett**  
Enforcement Tracking No. **WE-CN-21-00554**  
Agency Interest No. **38227**

**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-21-00554**  
**Agency Interest No. 38227**

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 Division of Administrative Law's (DAL) Procedural Rules. 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 Bernie Boyett at (225) 219-0783 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **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 Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. 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.

V.

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

Baton Rouge, Louisiana, this 4<sup>th</sup> day of November, 2021.

  
\_\_\_\_\_  
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  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Bernie Boyett**



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-21-00554	Contact Name	Bernie Boyett
Agency Interest (AI) No.	38227	Contact Phone No.	(225) 219-0783
Alternate ID No.	LAG540552		
Respondent:	PLEASANT OAKS PARK LLC	Facility Name:	Pleasant Oaks Mobile Home Park
	c/o John G. Mann	Physical Location:	11482 Florida Blvd.
	Agent for Service of Process		
	1300 Steele Boulevard	City, State, Zip:	Walker, LA 70785
	Baton Rouge, Louisiana 70806	Parish:	LIVINGSTON

**STATEMENT OF COMPLIANCE**

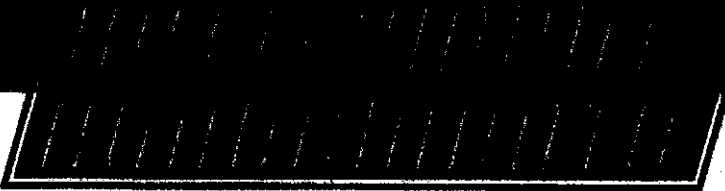
STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II and III 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)*

<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.Subpart 1.Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-21-00554), 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-21-00554), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> <li>• 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.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-21-00554) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

<b>CERTIFICATION STATEMENT</b>		
<p><i>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.</i></p>		
Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
<p>Louisiana Department of Environmental Quality                      Office of Environmental Compliance                      Enforcement Division                      P.O. Box 4312                      Baton Rouge, LA 70821                      Attn: Bernie Boyett</p>		



**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	\$16,000 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.

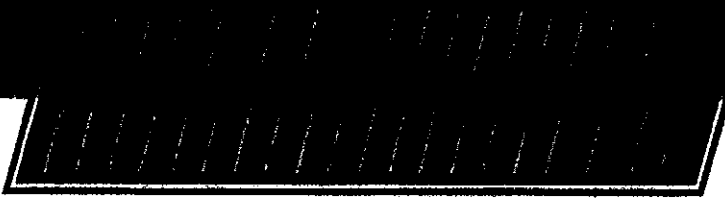
**Minor:** Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

**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.







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 ..... Enforcement Division's website  
specific examples can be provided upon request
- Penalty Determination Method ..... LAC 33:1 Chapter 7
- Beneficial Environmental Projects ..... LAC 33:1 Chapter 25  
FAQs
- Judicial Interest ..... provided by the Louisiana State Bar Association

