

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

VENTURA FOODS, LLC

AI # 2419

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

* Settlement Tracking No.
* SA-WE-22-0044
*
* Enforcement Tracking Nos.
* WE-CN-14-00333
* WE-CN-20-00770
*
*
* Docket No. 2022-3242-DEQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Ventura Foods, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a wastewater treatment system located in Opelousas, St. Landry Parish, Louisiana (“the Facility”).

II

On July 26, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-14-00333 (Exhibit 1).

On February 11, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-20-00770 (Exhibit 2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (WE-CN-20-0770), Respondent made a timely request for a hearing.

IV

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

V

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 THIRTY-TWO THOUSAND AND NO/100 DOLLARS (\$32,000.00), of which Five Thousand Two and 21/100 Dollars (\$5,002.21) 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).

VI

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

VII

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.

VIII

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.

IX

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.

X

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

XI

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).

XII

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

XIII

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.

VENTURA FOODS, LLC

BY: David A. Tate II
(Signature)

David A. Tate II
(Printed)

TITLE: Technical Manager

THUS DONE AND SIGNED in duplicate original before me this 17th day of January, 20 23, at 12:00 p.m.

[Signature]
NOTARY PUBLIC (ID # 62867)

Andy B Barron
(stamped or printed)


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Roger W. Cringles., Secretary

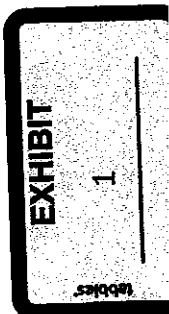
BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 17th day of May, 20 23, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 28050)
Jay L. G. Gerioso
(stamped or printed)

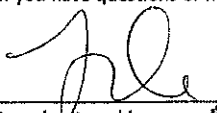
Approved: [Signature]
Celena J. Cage, Assistant Secretary

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-14-00333	Certified Mail No.	7004 2510 0006 3854 2430	
Agency Interest (AI) No.	2419	Contact Name	Andréa M. Huval	
Alternate ID No.	LA0034509	Contact Phone No.	(225) 219-3090	
Respondent:	Ventura Foods, LLC	Facility Name:	Lou Ana Plant	
	c/o C T Corporation System	Physical Location:	731 North Railroad Avenue	
	Agent for Service of Process	City, State, Zip:	Opelousas, LA 70570-4335	
	3867 Plaza Tower Drive Baton Rouge, LA 70816	Parish:	St. Landry	
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 wastewater treatment system located at 731 North Railroad Avenue, Opelousas, St. Landry Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0034509 with an effective date of July 1, 2010, and an expiration date of June 30, 2015. The Respondent submitted a timely application on December 23, 2014. Under the terms and conditions of LPDES Permit LA0034509, the Respondent is permitted to discharge process wastewater, non-contact cooling water, cooling tower blowdown, steam condensate, interior tank car washwater, floor and equipment washdown water, and stormwater runoff into an unnamed ditch, thence into Bayou Tesson, all waters of the state.			
	Date of Violation	Description of Violation		
II.	Inspection(s) & File Review 2/13/2014 3/14/2016	The Respondent failed to comply with LPDES permit LA0034509. Specifically, between April 1, 2013, and March 31, 2016, the Respondent reported exceedences of permit effluent limitations for CBOD, TOC, TSS, and Oil & Grease. (LA0034509 (Part I, Effluent Limitations and Monitoring Requirements, Part III, Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) See Table 1.		
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 <u>all</u> of the violations described in the "Findings of Fact" portion.			
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this 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 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.)			
IV.	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 Andréa M. Huval at (225) 219-3090 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 P.O. Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Huval		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-14-00333 Agency Interest No. 2419
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		
<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> ○ The Department assesses civil penalties based on LAC 33:I.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 Andréa M. Huval at (225) 219-3090 or andrea.huval@la.gov.




 Lourdes Turralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 7-26-16

cc: Ventura Foods, LLC – Lou Ana Division
P.O. Box 591
Opelousas, LA 70571

Attachment(s)

- Request to Close
- Table 1. Permit Limit Exceedances
- NetDMR Guidance

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE					
ENFORCEMENT DIVISION				CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY	
POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				REQUEST TO CLOSE	
Enforcement Tracking No.	WE-CN-14-00333	Contact Name	Andréa M. Huval		
Agency Interest (AI) No.	2419	Contact Phone No.	(225) 219-3090		
Alternate ID No.	LA0034509				
Respondent:	Ventura Foods, LLC	Facility Name:	Lou Ana Plant		
	c/o C T Corporation System	Physical Location:	731 North Railroad Avenue		
	Agent for Service of Process				
	3867 Plaza Tower Drive	City, State, Zip:	Opelousas, LA 70570-4335		
	Baton Rouge, LA 70816	Parish:	St. Landry		
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 Paragraph III of the "Order" portion of the COMPLIANCE ORDER.					
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph IV 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.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-14-00333), 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-14-00333), 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-14-00333) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.				
CERTIFICATION STATEMENT					
I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.					
Respondent's Signature		Respondent's Printed Name	Respondent's Title		
Respondent's Physical Address		Respondent's Phone #	Date		
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:					
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Huval					

If you have questions or need more information, you may contact Andréa M. Huval at (225) 219-3090 or andrea.huval@la.gov.

Table 1. Permit Limitation Exceedances

Date	Outfall	Parameter	Permit Limit	Reported Value
5/2013	001	CBOD, Monthly Average	10 mg/l	14 mg/l
		CBOD, Daily Maximum	15 mg/l	20 mg/l
6/2013	001	CBOD, Monthly Average	10 mg/l	12 mg/l
		CBOD, Daily Maximum	15 mg/l	18 mg/l
4/2013-6/2013	002	TOC, Daily Maximum	50 mg/l	72 mg/l
		Oil & Grease, Daily Maximum	15 mg/l	408 mg/l
7/2013	001	CBOD, Monthly Average	10 mg/l	11 mg/l
		CBOD, Daily Maximum	15 mg/l	16 mg/l
8/2013	001	CBOD, Daily Maximum	15 mg/l	16 mg/l
7/2013-9/2013	002	TOC, Daily Maximum	50 mg/l	130 mg/l
		Oil & Grease, Daily Maximum	15 mg/l	1250 mg/l
10/2013	001	CBOD, Monthly Average	10 mg/l	11 mg/l
11/2013	001	CBOD, Monthly Average	10 mg/l	23 mg/l
		CBOD, Daily Maximum	15 mg/l	37 mg/l
12/2013	001	CBOD, Monthly Average	50 lb/day	164 lb/day
		CBOD, Daily Maximum	75 lb/day	343 lb/day
		TSS, Monthly Average	150 lb/day	249 lb/day
		TSS, Daily Maximum	225 lb/day	432 lb/day
		Oil & Grease, Monthly Average	50 lb/day	94 lb/day
		Oil & Grease, Daily Maximum	75 lb/day	175 lb/day
		CBOD, Monthly Average	10 mg/l	183 mg/l
		CBOD, Daily Maximum	15 mg/l	401 mg/l
10/2013-12/2013	002	TOC, Daily Maximum	50 mg/l	409 mg/l
		Oil & Grease, Daily Maximum	15 mg/l	486 mg/l
1/2014	001	CBOD, Monthly Average	100 lb/day	101 lb/day
		CBOD, Daily Maximum	150 lb/day	336 lb/day
		TSS, Monthly Average	150 lb/day	338 lb/day
		TSS, Daily Maximum	225 lb/day	535 lb/day
		Oil & Grease, Monthly Average	50 lb/day	76 lb/day
		Oil & Grease, Daily Maximum	75 lb/day	182 lb/day
		CBOD, Monthly Average	10 mg/l	158 mg/l
		CBOD, Daily Maximum	15 mg/l	220 mg/l
2/2014	001	CBOD, Monthly Average	100 lb/day	204 lb/day
		CBOD, Daily Maximum	150 lb/day	303 lb/day
		TSS, Monthly Average	150 lb/day	498 lb/day
		TSS, Daily Maximum	225 lb/day	758 lb/day
		Oil & Grease, Monthly Average	50 lb/day	79 lb/day
		Oil & Grease, Daily Maximum	75 lb/day	132 lb/day
2/2014	001	CBOD, Monthly Average	20 mg/l	122 mg/l
		CBOD, Daily Maximum	30 mg/l	190 mg/l
3/2014	001	CBOD, Monthly Average	100 lb/day	123 lb/day
		CBOD, Daily Maximum	150 lb/day	233 lb/day
		TSS, Monthly Average	150 lb/day	243 lb/day
		TSS, Daily Maximum	225 lb/day	393 lb/day
		CBOD, Monthly Average	20 mg/l	105 mg/l
		CBOD, Daily Maximum	30 mg/l	160 mg/l
4/2014	001	CBOD, Daily Maximum	150 lb/day	163 lb/day
		CBOD, Monthly Average	20 mg/l	47 mg/l
		CBOD, Daily Maximum	30 mg/l	120 mg/l
5/2014	001	CBOD, Monthly Average	10 mg/l	16 mg/l
		CBOD, Daily Maximum	15 mg/l	22 mg/l
6/2014	001	CBOD, Monthly Average	10 mg/l	11 mg/l
		CBOD, Daily Maximum	15 mg/l	18 mg/l
4/2014-6/2014	002	Oil & Grease, Daily Maximum	15 mg/l	22.2 mg/l
7/2014	001	CBOD, Monthly Average	10 mg/l	13 mg/l
		CBOD, Daily Maximum	15 mg/l	23 mg/l
7/2014-9/2014	002	Oil & Grease, Daily Maximum	15 mg/l	178 mg/l

Date	Outfall	Parameter	Permit Limit	Reported Value
2/2016	001	CBOD, Monthly Average	20 mg/l	31 mg/l
		CBOD, Daily Maximum	30 mg/l	53 mg/l
1/2016-3/2016	002	Oil & Grease, Daily Maximum	15 mg/l	225 mg/l



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.



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-20-00770	Certified Mail No.	7018 3090 0002 0488 4170
Agency Interest (AI) No.	2419	Contact Name	Andrea M. Tabora
Alternate ID No.	LA0034509	Contact Phone No.	(225) 219-3090
Respondent:	Ventura Foods, LLC	Facility Name:	Lou Ana Plant
	c/o Corporation Service Company	Physical Location:	731 North Railroad Avenue
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Opelousas, LA 70570-4335
	Baton Rouge, LA 70802	Parish:	St. Landry

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 wastewater treatment system located at 731 North Railroad Avenue, Opelousas, St. Landry Parish, Louisiana. The Respondent was Issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0034509 on June 15, 2010, with an effective date of July 1, 2010, and expiration date of June 30, 2015. The Respondent submitted a renewal application on or about December 23, 2014, and LPDES Permit LA0034509 was administratively continued until it was reissued on September 29, 2016, with an effective date of November 1, 2016. LPDES Permit LA0034509 will expire on October 31, 2021. Under the terms and conditions of LPDES Permit LA0034509, the Respondent is permitted to discharge process wastewater, non-contact cooling water, cooling tower blowdown, steam condensate, interior tank car washwater, floor and equipment washdown water, and stormwater runoff into an unnamed ditch, thence into Bayou Tesson, all waters of the state. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAR05M426 effective on September 6, 2016. LPDES General Permit LAR05M426 will expire on May 8, 2021. Under the terms and conditions of LPDES General Permit LAR05M426, the Respondent is permitted to discharge stormwater into Bayou Tesson, waters of the state.

The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-14-00333 on or about July 26, 2016. The Department received a response from the Respondent dated September 30, 2016. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-14-00333 is a final action of the Department and not subject to further review.

	Date of Violation	Description of Violation
II.	Inspection(s) & File Review 3/28/2019 12/9/2020	The Respondent failed to comply with LPDES permit LA0034509. Specifically, a review of Discharge Monitoring Reports (DMRs) between April 2016 and September 2020, revealed that the Respondent reported exceedances of permit effluent limitations for CBOD, TSS, pH, Oil & Grease, and TOC. See Table 1. (LA0034509 (prior to November 1, 2016: Effluent Limitations and Monitoring Requirements, and Standard Conditions for LPDES Permits, Section A.2; on and after November 1, 2016: Effluent Limitations and Monitoring Requirements, and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
III.	File Review 12/9/2020	The Respondent failed to sample the effluent from Outfall 002 on a quarterly basis as required by LPDES Permit LA0034509. Specifically, the Respondent failed to sample for Oil & Grease and TOC during the following quarters: April - June 2016; January - March 2018; April - June 2018; January - March 2019; July - September 2019; April - June 2020; and July - September 2020. (LA0034509 (Effluent Limitations and Monitoring Requirements, and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

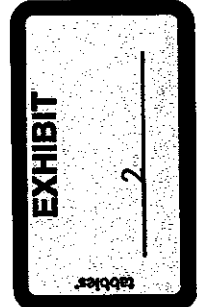
ORDER

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.	In the event the Respondent believes that complete correction of the above-cited deficiencies is not immediately possible, 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 taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

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 left-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.), 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 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 Andrea M. Tabora at (225) 219-3090 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.	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: Andrea M. Tabora	
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-20-00770 Agency Interest No. 2419	
Water Permits 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	
<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ Before requesting closure of the COMPLIANCE ORDER portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinanciaServices@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. <ul style="list-style-type: none"> ○ 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. 	

- o **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.
- o Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, 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 Andrea M. Tabora at (225) 219-3090 or andrea.tabora@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: _____

2-11-2001

cc: Ventura Foods, LLC – Lou Ana Division
P.O. Box 591
Opelousas, LA 70571

ecc: Department of Health

Attachment(s)

- Request to Close
- Table 1. Effluent Limitation Exceedances
- Settlement 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-20-00770		Contact Name Andrea M. Tabora	
Agency Interest (AI) No. 2419		Contact Phone No. (225) 219-3090	
Alternate ID No. LA0034509			
Respondent: Ventura Foods, LLC		Facility Name: Lou Ana Plant	
c/o Corporation Service Company		Physical Location: 731 North Railroad Avenue	
Agent for Service of Process			
501 Louisiana Avenue		City, State, Zip: Opelousas, LA 70570-4335	
Baton Rouge, LA 70802		Parish: St. Landry	
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 Paragraph 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)			
<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-20-00770), 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-20-00770), 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-20-00770) 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: Andrea M. Tabora			

If you have questions or need more information, you may contact Andrea M. Tabora at (225) 219-3090 or andrea.tabora@la.gov.

Table 1. Effluent Limitation Exceedances

MP End Date	Outfall	Parameter	Limit	Limit Units	DMR Value	DMR Units
8/31/2016 ¹	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	17	mg/L
9/30/2016 ¹	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	16	mg/L
9/30/2016 ¹	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	20	mg/L
9/30/2016 ¹	002-Q	Oil & Grease --- DAILY MX	15	mg/L	30.3	mg/L
10/31/2016 ¹	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	11	mg/L
10/31/2016 ¹	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	17	mg/L
11/30/2016 ¹	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	17	mg/L
03/31/2017	002-Q	Oil & Grease --- DAILY MX	15	mg/L	41	mg/L
05/31/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	12	mg/L
05/31/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	24	mg/L
6/30/2017 ²	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	18	mg/L
6/30/2017 ²	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	21	mg/L
6/30/2017 ²	002-Q	Oil & Grease --- DAILY MX	15	mg/L	22	mg/L
7/31/2017 ²	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	20	mg/L
7/31/2017 ²	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	38	mg/L
08/31/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	75	lb/d	84	lb/d
08/31/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	18	mg/L
08/31/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	34	mg/L
09/30/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	29	mg/L
09/30/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	42	mg/L
09/30/2017	002-Q	Oil & Grease --- DAILY MX	15	mg/L	32.4	mg/L
10/31/2017	001-A	pH --- INST MIN	6	SU	5.36	SU
10/31/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	17	mg/L
11/30/2017	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	12	mg/L
12/31/2017	002-Q	Oil & Grease --- DAILY MX	15	mg/L	48.3	mg/L
1/31/2018 ³	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	150	lb/d	174	lb/d
1/31/2018 ³	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	20	mg/L	84	mg/L
1/31/2018 ³	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	30	mg/L	140	mg/L
2/28/2018 ³	001-A	Solids, total suspended --- MO AVG	150	lb/d	189	lb/d
2/28/2018 ³	001-A	Solids, total suspended --- DAILY MX	225	lb/d	337	lb/d
2/28/2018 ³	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	20	mg/L	100	mg/L
2/28/2018 ³	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	30	mg/L	200	mg/L
05/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	14	mg/L
05/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	25	mg/L
06/30/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	20	mg/L
06/30/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	28	mg/L
07/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	20	mg/L
07/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	32	mg/L
08/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	21	mg/L
08/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	28	mg/L
09/30/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	17	mg/L
09/30/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	21	mg/L
09/30/2018	002-Q	Oil & Grease --- DAILY MX	15	mg/L	79.9	mg/L
09/30/2018	002-Q	Carbon, tot organic [TOC] --- DAILY MX	50	mg/L	53.5	mg/L
10/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	14	mg/L
10/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	27	mg/L
11/30/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	18	mg/L

12/31/2018	002-Q	Oil & Grease --- DAILY MX	15 mg/L	20 mg/L
05/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	14 mg/L
05/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	17 mg/L
06/30/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	26 mg/L
06/30/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	52 mg/L
06/30/2019	002-Q	Oil & Grease --- DAILY MX	15 mg/L	143 mg/L
7/31/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	33 mg/L
7/31/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	77 mg/L
8/31/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	50 lb/d	56 lb/d
8/31/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	75 lb/d	95 lb/d
8/31/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	49 mg/L
8/31/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	89 mg/L
9/30/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	19 mg/L
9/30/2019 ⁴	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	29 mg/L
9/30/2019 ⁴	002-Q	pH --- INST MIN	6 SU	5.5 SU
10/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	19 mg/L
10/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	41 mg/L
11/30/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	18 mg/L
11/30/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	27 mg/L
12/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10 mg/L	15 mg/L
12/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15 mg/L	34 mg/L
03/31/2020	002-Q	Oil & Grease --- DAILY MX	15 mg/L	46.9 mg/L

¹State of Emergency declared for 21 parishes, including St. Landry Parish, from August 12, 2019, through November 30, 2016, due to an extreme weather event (flooding)

²State of Emergency declared statewide from June 21, 2017 through August 20, 2017, for Tropical Storm Cindy.

³State of Emergency declared statewide from January 17, 2018 through February 16, 2018, for extreme winter weather.

⁴State of Emergency declared statewide from July 10, 2019 through September 8, 2019.

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500	\$20,000	\$15,000
	to \$20,000	to \$15,000	to \$11,000
MODERATE	\$11,000	\$8,000	\$5,000
	to \$8,000	to \$5,000	to \$3,000
MINOR	\$3,000	\$1,500	\$500
	to \$1,500	to \$500	to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

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

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
Penalty Determination Method	LAC 33:I Chapter 7
Beneficial Environmental Projects	LAC 33:I Chapter 25
	FAQs
Judicial Interest.....	provided by the Louisiana State Bar Association

