

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BAYOU INSPECTION SERVICES, INC.

AI # 30587

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

* **Settlement Tracking No.**
* **SA-RE-23-0047**
*
* **Enforcement Tracking Nos.**
* **RE-CN-15-00995**
* **RE-P-20-00354**
* **RE-P-20-00354A**
*
*
* **Docket Nos. 2019-0499-DEQ**
* **2021-5604-DEQ**
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Bayou Inspection Services, 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 facility located in Amelia, St. Mary Parish, Louisiana (“the Facility”).

II

On May 11, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. RE-CN-15-00995 (Exhibit 1).

On June 5, 2020, the Department issued to Respondent a Penalty Assessment, Enforcement Tracking No. RE-P-20-00354 (Exhibit 2).

On May 20, 2021, the Department issued to Respondent an Amended Penalty Assessment,

Enforcement Tracking No. RE-P-20-00354A (Exhibit 3).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty and Amended Penalty Assessment, Respondent made timely requests for hearings.

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 FIFTEEN THOUSAND NINE HUNDRED EIGHTEEN AND 02/100 DOLLARS (\$15,918.02), of which One Thousand Two Hundred Ninety-Eight and 02/100 Dollars (\$1,298.02) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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), the Consolidated Compliance Order & Notice of Potential Penalty, Penalty Assessment, Amended Penalty Assessment and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VIII

This Settlement Agreement 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 Agreement, 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. Mary Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 over a period of twelve (12) months. An initial payment of \$3,979.50 is due within ten (10) days from notice of the Secretary's signature; a payment of \$5,969.26 is due six (6) months from the initial payment; and the final payment of \$5,969.26 is due six (6) months from the second payment. If payment is not received within that time, this Settlement 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 attached hereto.

XII

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

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.

BAYOU INSPECTION SERVICES, INC.

BY: *David M. Paterson*
(Signature)

DAVID M. PATERSON
(Printed)

TITLE: SEC. / TREAS.

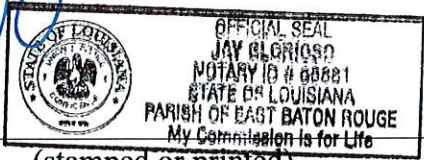
THUS DONE AND SIGNED in duplicate original before me this 6th day of OCTOBER, 20 23, at MORGAN CITY, LA.

Brian M. Tranchina
NOTARY PUBLIC (ID # 01623)
Brian M. Tranchina
Notary Public (BR#1623)
State of Louisiana
My commission is for life
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Roger W. Gingles, Secretary

BY: *Celena J. Cage*
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 27th day of November, 20 23, at Baton Rouge, Louisiana.

Jay Blonico
NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: *Celena J. Cage*
Celena J. Cage, Assistant Secretary