

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

\* Settlement Tracking No.  
\* SA-WE-08-0015

BEDICO MEADOWS L.L.C.

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AI # 145661

\* Enforcement Tracking No.  
\* WE-CN-07-0098

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

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SETTLEMENT

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

I

Respondent is a corporation who owns and or operates a real estate development company, which is constructing and developing Bedico Meadows Subdivision, located at the intersection of the Tangipahoa and St. Tammany Parish line, in Ponchatoula, Tangipahoa Parish, Louisiana ("the Facility").

II

On August 10, 2007, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-07-0098, which was based upon the following findings of fact:

The Respondent owns and or operates a real state [*sic*] development company, which is constructing and developing Bedico Meadows Subdivision, located at the intersection of the

Tangipahoa and St. Tammany Parish line, in Ponchatoula, Tangipahoa Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Storm Water General Permit for Construction Activities LAR10000 on or about December 14, 2006, and was specifically assigned permit number LAR10D796 which will expire on September 30, 2009. LPDES permit LAR10D796 authorizes the Respondent to discharge stormwater into a ditch, thence into Bedico Creek, waters of the state.

An inspection conducted by the Department on or about September 21, 2006, revealed the following:

- A. The Respondent failed to submit a Notice of Intent for construction activities to the Department prior to initiating the construction activities;
- B. The Respondent did not have any stormwater measures in place; and,
- C. A Stormwater Pollution Prevention Plan (SWPPP) was not prepared.

During a follow-up site visit on September 25, 2006, the Respondent was informed of the requirements of the Water Quality Regulations and the LPDES permit and Storm Water Pollution Prevention Plan (SWPPP). The Respondent immediately began installing silt fencing and other control measures on site and submitted an NOI to the Department on October 3, 2006, and was granted coverage on or about December 14, 2006.

A follow-up inspection conducted by the Department on or about March 7, 2007, revealed the Respondent failed to implement and maintain adequate erosion control measures as required by the SWPPP. Specifically, work on the second filing of the subdivision had begun and no stormwater controls were in place and there were no ground cover or stabilization measures throughout the ditches on the property. In addition, two silt fences that were previously installed were torn down and were in the drainage ditch leading to Bedico Creek. The road leading to the Creek did not have ground cover or erosion controls along it and contained a large amount of sediment where the road

ends at the creek. The failure to implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP) is in violation of LPDES permit LAR10D796 (Part IV, Section D.2 and Part VI, Sections A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

The Department conducted a telephone conversation with the Respondent on or about March 9, 2007, to obtain a copy of the Storm Water Pollution Prevention Plan (SWPPP) from the Respondent.

As of August 3, 2007, the Respondent has not provided the Department with a copy of SWPPP.

The failure to provide the state administrative authority with documents and/or records required by LAR10D796 is a violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.H.

### III

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

### IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$3,750.00), of which Seven Hundred Fourteen and 33/100 Dollars (\$714.33) represents DEQ'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 DEQ 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), the Consolidated Compliance Order and 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 LSA- R. S. 30:2025(E) of the Act.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Tangipahoa Parish, Louisiana. The advertisement, in form, wording, and size 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 a proof-of-publication affidavit 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.

IX

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).

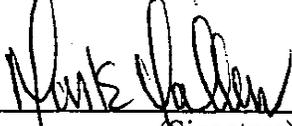
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In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XI

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.

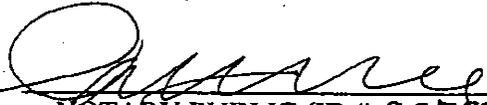
**BEDICO MEADOWS L.L.C.**

BY:   
(Signature)

MARK MAIKEMOS  
(Print)

TITLE: Member mgr.

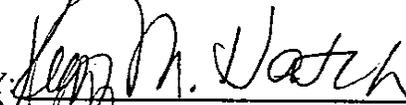
THIS DONE AND SIGNED in duplicate original before me this 10<sup>th</sup> day of October, 20 08, at Covington, La.

  
NOTARY PUBLIC (ID # 25788)

Paul J. Mayronne  
(Print)

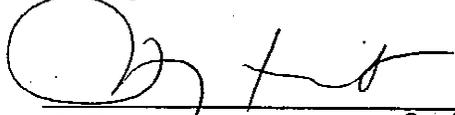
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Harold Leggett, Ph.D., Secretary

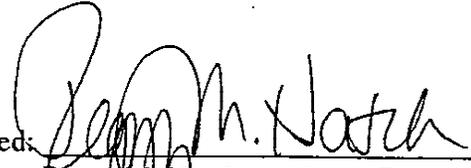
BY: 

Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 16<sup>th</sup> day of January, 20 09, at Baton Rouge, Louisiana.

  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(Print)

Approved:   
Peggy M. Hatch, Assistant Secretary