STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:
* Settlement Tracking No.

* SA-MM-21-0035 ARCOSA LW BR, LLC *

* Enforcement Tracking No.

AI # 1272 * MM-CN-19-00569

PROCEEDINGS UNDER THE LOUISIANA *
ENVIRONMENTAL QUALITY ACT * I

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* Docket No. 2020-9424-DEQ

*

SETTLEMENT

The following Settlement is hereby agreed to between Arcosa LW BR, 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 lightweight aggregate manufacturing facility located in Erwinville, Pointe Coupee Parish, Louisiana ("the Facility").

II

On August 16, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-19-00569 (Exhibit 1).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, 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 SIX THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$6,500.00), of which Five Hundred Fifty-Four and 56/100 Dollars (\$554.56) 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 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.

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.

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 Pointe Coupee 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 thirty (30) 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.

Brian Dowden (Printed) TITLE: Vice President - Operations THUS DONE AND SIGNED in duplicate original before me this _______ day of October, 20 21, at Port Allen, LA NOTARY PUBLIC (ID # Ericka H. George Notary Public Notary ID No. 60472 (stamped or printed) LOUISIANA DEPARTMENT OF **ENVIRONMENTAL QUALITY** Chuck Carr Brown, Ph.D., Secretary BY: Lourdes Iturralde, Assistant Secretary Office of Environmental Compliance THUS DONE AND SIGNED in duplicate original before me this _______, 20_________, at Baton Rouge Louisiana. NOTARY PUBLIC (ID # AMBER G. LITCHFIELD Notary Public State of Louisiana Notary ID # 92503 East Baton Rouge Parish tamped or printed)

ARCOSA LW BR, LLC

5

Lourdes Iturralde, Assistant Secretary

Approved:

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION POST OFFICE BOX 4312

CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY



BATON ROUGE, LOUISIANA 70821-4312

,,	10022 1022		LOUISIANA	
Enforcement Tracking No.	MM-CN-19-00569	Certified Mail No.	7018 2290 0000 5825 9316	
Agency Interest (AI) No.	1272	Contact Name	Melissa Sherman	
Alternate ID No.s LA0090387 & 2260-00002		Contact Phone No.	225-219-3770	
Respondent:	Arcosa LW BR , LLC (formerly TRN L W BR LLC)	Facility Name:	Arcosa Lightweight Erwinville (Trin ESC- Erwinville)	
	c/o C T Corporation System	Physical Location:	12652 Airline Highway 190	
	Agent for Service of Process	7		
	3867 Plaza Tower Dr.	City, State, Zip:	Erwinville, LA 70762	
	Baton Rouge, LA 70816	Parish:	Pointe Coupee	

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.

The Respondent owns and/or operates a lightweight aggregate manufacturing facility located at 12652 US Highway 190 in Erwinville, Pointe Coupee Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0090387 on September 22, 2015, with an effective date of November 1, 2015. LPDES Permit LA0090387 will expire on October 31, 2020. Under the terms and conditions of LPDES Permit LA0090387, the Respondent is permitted to discharge stormwater runoff, kiln scrubber water, fugitive emission damping water, non-contact cooling water, washwater, and treated sanitary wastewater into an effluent pipe, thence into Bayou Poydras, all waters of the state.

The Respondent also operates under Title V Permit No. 2260-00002-V-3 issued December 5, 2014 and PSD Permit No. PSD-LA-

	Date of Violation	Description of Violation
11.	Inspection(s) 8/30/2018	The Respondent caused and/or allowed the discharge of wastewater from a source or location no authorized by the permit. Specifically, an unpermitted sanitary wastewater discharge was revealed at the time of inspection. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D) Correspondence received on December 7, 2018, stated the discharge from the second septic system is gravity fed into a flowing ditch and combines with the fugitive emission damping water, non-contact cooling water, and washwater discharged via Outfal 001 after flowing through several settling ponds. The Department received a permit modification/renewal application on May 28, 2019.
III.	Inspection(s) 8/30/2018	The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP). Specifically, the Respondent failed to conduct the 2017 annual inspection of the facility to evaluate plan adequacy as required by LPDES permit LA0090387. In addition, the SWPPP did not reflect the current owner. (LA0090387 (Narrative Requirements, N-8, C and Part III, Section A.2) La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)
IV.	Inspection(s) 8/30/2018	The Respondent incorrectly estimated flow values for Outfall 001. Specifically, the Respondent estimates flow rate based on the size of the facility and monthly rainfall. (LA0002925 (Narrative Requirements, N-3, Standard Conditions, Section A.2 and Section C.5.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)
v.	File Review 4/25/2019	The Respondent failed to submit a Name/Ownership/Operator Change Form (NOC-1) within 45 days of the facility name change. Specifically, the Department received a NOC-1 on January 8, 2019, stating the company and facility name changed as of November 1, 2018. (LA0002925 (Standard Conditions, Section A.2 and Section D.3), La. R.S. 30:2076(A)(3), LAC 33:1.1905.A)

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

	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.
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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.

To immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharges from the Respondent's facility to 111. waters of the state.

To submit a completed LPDES Permit Application to the Water Permits Division, within thirty (30) days after receipt of this COMPLIANCE ORDER. The completed LPDES Permit Application for modification of LA0090387 must address all outfalls at the IV. facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25. The three sets (the original and two copies) of the completed permit application should be submitted to the Permits Division at the address specified in this document. A copy of the permit application should also be sent to the Enforcement Division.

RIGHT TO APPEAL

- 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.
- The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested II. and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency

tabbies"

II.

	address specified in this document.	and corner of the first page of this document and should be directed to the				
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.					
v.	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 r nothing herein shall be construed to preclude the right	eserves the right to seek civil penalties in any manner allowed by law, an				
	NOTICE OF	POTENTIAL PENALTY				
l.	Pursuant to La. R.S. 30:2050.3(B), you are hereby not violation(s) described herein. Written comments may be submit comments, it is requested that they be subm	ified that the issuance of a penalty assessment is being considered for the pefiled regarding the violation(s) and the contemplated penalty. If you elec- uitted 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 Melissa Sherman at 225-219-3770 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 CONTACTS AND S	UBMITTAL OF INFORMATION				
Enfor	cement Division:	Hearing Requests:				
Louisiana Department of Environmental Quality		Department of Environmental Quality				
	e of Environmental Compliance	Office of the Secretary				
	er Enforcement Division Office Box 4312	Post Office Box 4302 Baton Rouge, Louisiana 70821-4302				
	n Rouge, LA 70821	Attn: Hearings Clerk, Legal Division				
Attn: Melissa Sherman		Re: Enforcement Tracking No. MM-CN-19-00569 Agency Interest No. 1272				
	r Permits Division (if necessary):	Physical Address (if hand delivered):				
Department of Environmental Quality		Department of Environmental Quality				
-	ce of Environmental Services t Office Box 4313	Department of Environmental Quality 602 N Fifth Street				
Bato	on Rouge, LA 70821-4313 n: Water Permits Division	Baton Rouge, LA 70802				
Attr						

- To appeal the CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guideline
 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.
 - Before requesting closure of the COMPLIANCE ORDER 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.
- 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.
 - o The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer.

- DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- 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 Melissa Sherman at 225-219-3770 or melissa.sherman@la.gov.

Lourdes Iturralde

Assistant Secretary

Office of Environmental Compliance

Attachment(s)

- Request to Close

CC: Scott C. Beasley

2525 N. Stemmons Freeway

Dallas, TX 75207

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. MM-CN-19-00569			Contact Name Melissa Sherman		n	
Agency	Interest (AI) No.	1272		Contact Phone No.	225-219-3770	
Alterna	te ID No.	LA0090387				
Respondent:		Arcosa LW BR W BR LLC)	, LLC (formerly TRN L	Facility Name:	Arcosa Lightwei ESC- Erwinville)	ght Erwinville (Trinity
		c/o C T Carpor	ation System	Physical Location:		
		Agent for Servi	ice of Process			
		3867 Plaza Tov	ver DR	City, State, Zip:	Erwinville, LA 70	762
		Baton Rouge, I	A 70816	Parish:	Pointe Coupee	
STATEMENT OF COMPLIANCE						
		STATEMENT OF	COMPLIANCE		Date Completed	Copy Attached?
A writte	n report was submitte	ed in accordance v	with Paragraph II of the	"Order" portion of the	e e	copy Attached:
	ANCE ORDER.					
the facil	s in the "Findings of Fa ity is being operated t OMPLIANCE ORDER. I	o meet and main	e COMPLIANCE ORDER tain the requirements of was achieved as of:	were addressed and if the "Order" portion		
			SETTLEMENT OFF	ER (OPTIONAL)		
			(check the appli	icable option)		
	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:I.Subpart1.Chapter7.					
In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00569), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.						
	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00569), 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. • 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.					
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00569) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.					
			CERTIFICATION	STATEMENT	1000	
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				dent's Title		
	Doeses	antie Dhu-ii -	1			
Respondent's Physical Address Respondent's Phone # Date MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:						
Office of Enforcen Post Offi Baton Ro	a Department of Envir Environmental Comp nent Division ce Box 4312 guge, LA 70821 elissa Sherman	onmental Quality		I TO THE ADDRES	S BELOW:	

If you have questions or need more information, you may contact Melissa Sherman at 225-219-3770 or melissa.sherman@la.gov.



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.

	NATU	REAND GRAVIT	YOFTHEVIOLATIC	New State of
		MAJOR	MODERATE	MINOR
IMPACI U OR	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
OFRISKOR WANTEAN PROPERTY	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
0.00	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
- 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.

Penalty Event Total = Penalty Event Minimum + (Adjustment Percentage x [Penalty Event Maximum - 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
Settlement Agreements	Media: Air Quality, Function: Enforcement; Description: Settlement Enforcement Division's website
Penalty Determination Method	specific examples can be provided upon request
Beneficial Environmental Projects	LAC 33:I Chapter 25
Judicial Interest	FAQs provided by the Louisiana State Bar Association

