

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

KLEINPETER FARMS DAIRY, L.L.C.

AI # 1694

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

\* Settlement Tracking No.  
\* SA-WE-20-0023  
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\* Enforcement Tracking No.  
\* WE-CN-15-00114  
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SETTLEMENT

The following Settlement is hereby agreed to between Kleinpeter Farms Dairy, 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 limited liability company that owns and/or operates a milk processing facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On April 17, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-00114 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action, are included within the scope of this settlement:

- A. An inspection conducted on May 12, 2015, and a file review conducted on March 18, 2020, by the Department revealed the following exceedances of the permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs) and/or noncompliance reports:

Monitoring Period	Outfall	Parameter	Permit Limit	Sample Value
October 2014	001	BOD	30 mg/L Monthly Average	342 mg/L
	001	BOD	45 mg/L Daily Max	342 mg/L
	001	TSS	30 mg/L Monthly Average	208 mg/L
	001	TSS	45 mg/L Daily Max	208 mg/L
	001	Oil & Grease	15 mg/L Daily Max	27 mg/L
November 2014	001	BOD	30 mg/L Monthly Average	718 mg/L
	001	BOD	45 mg/L Daily Max	718 mg/L
	001	TSS	30 mg/L Monthly Average	1,488 mg/L
	001	TSS	45 mg/L Daily Max	1,488 mg/L
December 2014	001	BOD	30 mg/L Monthly Average	123 mg/L
	001	BOD	45 mg/L Daily Max	123 mg/L
	001	TSS	30 mg/L Monthly Average	562 mg/L
	001	TSS	45 mg/L Daily Max	562 mg/L
July 2014 – December 2014	002	CBOD	30 mg/L Monthly Average	53 mg/L
	002	CBOD	45 mg/L Daily Max	53 mg/L
	002	TSS	30 mg/L Monthly Average	75 mg/L
	002	TSS	45 mg/L Daily Max	75 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	60,000 col/100 ml
	002	Fecal Coliform	400 col/100 Daily Max	60,000 col/100 ml
	002	CBOD	30 mg/L Monthly Average	188 mg/L
	002	CBOD	45 mg/L Daily Max	188 mg/L
	002	TSS	30 mg/L Monthly Average	182 mg/L
	002	TSS	45 mg/L Daily Max	182 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	60,000 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	60,000 col/100 ml
	002	BOD	30 mg/L Monthly Average	117 mg/L
	002	BOD	45 mg/L Daily Max	117 mg/L
	002	TSS	30 mg/L Monthly Average	194 mg/L
	002	TSS	45 mg/L Daily Max	194 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	60,000 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	60,000 col/100 ml
February 2015	001	BOD	30 mg/L Monthly Average	31 mg/L
April 2015	001	BOD	30 mg/L Monthly Average	48 mg/L
	001	BOD	45 mg/L Daily Max	48 mg/L
January 2015 – June 2015	002	BOD	30 mg/L Monthly Average	180 mg/L
	002	BOD	45 mg/L Daily Max	180 mg/L
	002	TSS	30 mg/L Monthly Average	270 mg/L
	002	TSS	45 mg/L Daily Max	270 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	>60,000 col/100 ml
	002	Fecal Coliform	400 col/100 Daily Max	>60,000 col/100 ml
	002	BOD	30 mg/L Monthly Average	67 mg/L
	002	BOD	45 mg/L Daily Max	67 mg/L
	002	TSS	30 mg/L Monthly Average	101 mg/L

	002	TSS	45 mg/L Daily Max	101 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	>60,000 col/100 ml
	002	Fecal Coliform	400 col/100 Daily Max	>60,000 col/100 ml
	002	BOD	30 mg/L Monthly Average	87 mg/L
	002	BOD	45 mg/L Daily Max	87 mg/L
	002	TSS	30 mg/L Monthly Average	68 mg/L
	002	TSS	45 mg/L Daily Max	68 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	>60,000 col/100 ml
	002	Fecal Coliform	400 col/100 Daily Max	>60,000 col/100 ml
	002	BOD	30 mg/L Monthly Average	151 mg/L
	002	BOD	45 mg/L Daily Max	151 mg/L
June 2015	001	BOD	30 mg/L Monthly Average	47 mg/L
	001	BOD	45 mg/L Daily Max	47 mg/L
	001	TSS	30 mg/L Monthly Average	31 mg/L
July 2015	001	BOD	30 mg/L Monthly Average	33 mg/L
November 2015	001	BOD	30 mg/L Monthly Average	35 mg/L
July 2015 – December 2015	002	BOD	30 mg/L Monthly Average	420 mg/L
	002	BOD	45 mg/L Daily Max	420 mg/L
	002	TSS	30 mg/L Monthly Average	41 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	2,000 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	2,000 col/100 ml
December 2015	001	BOD	30 mg/L Monthly Average	36 mg/L
January 2016	001	BOD	30 mg/L Monthly Average	237 mg/L
	001	BOD	45 mg/L Daily Max	237 mg/L
February 2016	001	BOD	30 mg/L Monthly Average	378 mg/L
	001	BOD	45 mg/L Daily Max	378 mg/L
March 2016	001	BOD	30 mg/L Monthly Average	194 mg/L
	001	BOD	45 mg/L Daily Max	194 mg/L
January 2016 – March 2016	002	TSS	30 mg/L Monthly Average	79 mg/L
	002	TSS	45 mg/L Daily Max	147 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	5,600 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	12,000 col/100 ml
	002	CBOD	30 mg/L Monthly Average	100.7 mg/L
	002	CBOD	45 mg/L Daily Max	138 mg/L
	002	CBOD	30 mg/L Monthly Average	50 mg/L
	002	CBOD	45 mg/L Daily Max	50 mg/L
	002	TSS	30 mg/L Monthly Average	34 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	2,200 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	2,200 col/100 ml
April 2016	001	BOD	30 mg/L Monthly Average	438 mg/L
	001	BOD	45 mg/L Daily Max	438 mg/L
	001	pH	6 Standard Units Minimum	5 Standard Units
May 2016	001	BOD	30 mg/L Monthly Average	<182 mg/L
	001	BOD	45 mg/L Daily Max	182 mg/L

June 2016	001	BOD	30 mg/L Monthly Average	78 mg/L
	001	BOD	45 mg/L Daily Max	87 mg/L
April 2016 – June 2016	002	Fecal Coliform	200 col/100 ml Monthly Average	2,507.5 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	10,000 col/100 ml
	002	CBOD	30 mg/L Monthly Average	34 mg/L
	002	CBOD	45 mg/L Daily Max	66 mg/L
July 2016	001	BOD	30 mg/L Monthly Average	131.5 mg/L
	001	BOD	45 mg/L Daily Max	252 mg/L
January 2017 - March 2017	002	TSS	30 mg/L Monthly Average	96 mg/L
	002	TSS	45 mg/L Daily Max	186 mg/L
	002	BOD	30 mg/L Monthly Average	35 mg/L
April 2017 - June 2017	002	TSS	30 mg/L Monthly Average	36 mg/L
	003	TOC	50 mg/L Daily Max	68 mg/L
July 2017 - September 2017	004	COD	125 mg/L Daily Max	788 mg/L
	004	TSS	45 mg/L Daily Max	54 mg/L
October -December 2017	002	Fecal Coliform	200 col/100 ml Monthly Average	>60,000 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	>60,000 col/100 ml
	002	CBOD	30 mg/L Monthly Average	96 mg/L
	002	CBOD	45 mg/L Daily Max	96 mg/L
	004	COD	125 mg/L Daily Max	183 mg/L
January 2018 - March 2018	002	TSS	30 mg/L Monthly Average	38 mg/L
	004	COD	125 mg/L Daily Max	239 mg/L
April 2018 - June 2018	002	CBOD	30 mg/L Monthly Average	73 mg/L
	002	CBOD	45 mg/L Daily Max	73 mg/L
July 2018 - September 2018	002	TSS	30 mg/L Monthly Average	34 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	220 col/100 ml
July 2018 – December 2018	002	Ammonia Nitrogen	2 mg/L Monthly Average	6.4 mg/L
	002	Ammonia Nitrogen	4 mg/L Daily Max	6.4 mg/L
October 2018 – December 2018	003	TOC	50 mg/L Daily Max	61 mg/L
December 2018	001	BOD	30 mg/L Monthly Average	37 mg/L
January 2019	001	BOD	30 mg/L Monthly Average	43 mg/L
	001	TSS	30 mg/L Monthly Average	45 mg/L
February 2019	001	BOD	30 mg/L Monthly Average	31 mg/L
January 2019 - March 2019	002	CBOD	10 mg/L Monthly Average	34 mg/L
	002	CBOD	15 mg/L Daily Max	34 mg/L
May 2019	001	pH	6 Standard Units Minimum	2.09 Standard Units
June 2019	001	BOD	30 mg/L Monthly Average	35 mg/L
April 2019 – June 2019	002	Fecal Coliform	200 col/100 ml Monthly Average	270 col/100 ml
	003	TOC	50 mg/L Daily Max	76 mg/L
January 2019 – June 2019	002	Ammonia Nitrogen	2 mg/L Monthly Average	93 mg/L
	002	Ammonia Nitrogen	4 mg/L Daily Max	93 mg/L
September 2019	001	BOD	30 mg/L Monthly Average	36 mg/L
July 2019 – September 2019	002	TSS	30 mg/L Monthly Average	132 mg/L
	002	TSS	45 mg/L Daily Max	132 mg/L

	002	Fecal Coliform	200 col/100 ml Monthly Average	30,000 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	30,000 col/100 ml
	002	CBOD	10 mg/L Monthly Average	151 mg/L
	002	CBOD	15 mg/L Daily Max	151 mg/L
October 2019	001	TSS	30 mg/L Monthly Average	41 mg/L
November 2019	001	BOD	30 mg/L Monthly Average	51 mg/L
	001	BOD	45 mg/L Daily Max	51 mg/L
October 2019 - December 2019	002	TSS	30 mg/L Monthly Average	40 mg/L
	002	CBOD	10 mg/L Monthly Average	60 mg/L
	002	CBOD	15 mg/L Daily Max	60 mg/L
	003	pH	9.0 Standard Units Maximum	9.02 Standard Units
	003	TOC	50 mg/L Daily Max	51.5mg/L

Each exceedance of a permitted effluent limitation prior to November 30, 2015, is a violation of LPDES Permit LA0037923 (Effluent Limitations and Monitoring Requirements, pages 1-4 and Standard Conditions, Section A.2); La. R.S. 30:2076(A)(3); and LAC 33:IX.501.A. Each exceedance of a permitted effluent limitation on and after December 1, 2015, is a violation of LPDES Permit LA0033430 (Effluent Limitations and Monitoring Requirements, pages 1, 3, 5 and 7 and Standard Conditions for LPDES Permits, Section A.2); La. R.S. 30:2076(A)(3); and LAC 33:IX.501.A.

- B. An inspection conducted by the Department on May 12, 2015, revealed that the Respondent failed to properly operate and maintain its sewage treatment plant. Specifically, there was no chlorine present in the chlorinator at the time of the inspection. The failure to properly operate and maintain the sewage treatment plant is a violation of LPDES permit LA0037923 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.
- C. An inspection conducted by the Department on May 12, 2015, revealed that the Respondent failed to implement its Stormwater Pollution Prevention Plan (SWPPP). Specifically, the inspection noted the following: (1) oily water was observed in two areas that drain to a collection and discharge system; (2) a small stockpile of sand was observed with no Best Management Practices (BMPs) in place to minimize stormwater runoff (evidence of sand entering the stormwater collection system); (3) miscellaneous litter was gathered on the stormwater drains and in the stormwater collection system; and (4) stormwater inspections were not being conducted. The failure to implement the SWPPP is a violation of LPDES permit LA0037923 (Narrative Requirements T-8 and T-11 and Standard Conditions for

LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.

- D. A file review conducted by the Department on March 18, 2020, revealed that the Respondent failed to sample the effluent from Outfalls 003 and 004 on a quarterly basis as required by LPDES Permit LA0037923. Specifically, LPDES Permit LA0037923 was reissued effective December 1, 2015. The reissued permit added Outfalls 003 and 004 and quarterly monitoring requirements. According to the DMRs submitted by the Respondent, quarterly sampling of Outfalls 003 and 004 was not conducted from January 2016 to September 2016. The Respondent began sampling Outfalls 003 and 004 during the fourth quarter of 2016. The failure to sample quarterly is a violation of LPDES permit LA0037923 ( Effluent Limitations and Monitoring Requirements, pages 5 and 7 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A

### 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 SIXTY-THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$60,300.00), of which One Thousand Eight Hundred and 57/100 Dollars (\$1,800.57) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

### V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this

Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The

advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

#### X

Payment is to be made in thirty-six (36) months, in quarterly installments of \$5,025.00. The first installment is due within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

#### XI

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

#### XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.



KLEINPETER FARMS DAIRY, L.L.C.

BY: Sue Anne K Cox  
(Signature)

Sue Anne K Cox  
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 25 day of Aug, 20 21, at 4:35 pm.

[Signature]  
NOTARY PUBLIC (ID # 20721)

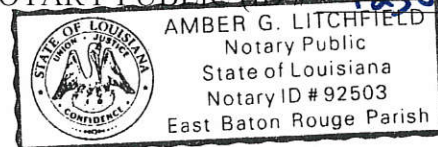
Beau James Brock  
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance


THUS DONE AND SIGNED in duplicate original before me this 19th day of August, 20 21, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b>		
Enforcement Tracking No.	WE-CN-15-00114	Certified Mail No.	7004 2510 0006 3854 4663	
Agency Interest (AI) No.	1694	Contact Name	Melissa Sherman	
Alternate ID No.	LA0037923	Contact Phone No.	225-219-3770	
Respondent:	Kleinpeter Farms Dairy, LLC	Facility Name:	Kleinpeter Farms Dairy, LLC	
	c/o Sue Anne Kleinpeter Cox	Physical Location:	14444 Airline Highway	
	Agent for Service of Process			
	14444 Airline Highway	City, State, Zip:	Baton Rouge, LA 70817	
	Baton Rouge, LA 70817	Parish:	East Baton Rouge	

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 milk processing facility located at 14444 Airline Highway, Baton Rouge, East Baton Rouge Parish, Louisiana. Under the terms and conditions of LPDES Permit LA0037923, the Respondent is permitted to discharge process washwater, treated sanitary wastewater, and stormwater runoff into private drainage ditch, thence into Old Ward's Creek, thence into Ward's Creek Diversion Canal, all waters of the state.
	Date of Violation	Description of Violation
II.	Inspection(s) 1/22/2015 & 2/22/2015	The Respondent failed to properly operate and maintain its sewage treatment plant. Specifically, the facility discharged solids, untreated or partially treated water into the drainage ditch and downstream to Ward's Creek. The water in the receiving ditch was septic, discolored, and an accumulation of solids over a foot in depth was observed in violation of LPDES permit LA0037923 (Standard Conditions, Section A.2 and B.3.a), La. R.S. 30:2076 (A)(3) and LAC 33:IX.2701.E. Failure to maintain waters of the state in an aesthetically attractive condition and to meet water quality standards is a violation of LPDES permit LA0037923 (Narrative Requirements, Condition No. T-3 page 5 of 5), La. R.S. 30:2076 (A)(3), and LAC 33:IX.1113.B.7. A response to Warning Letter WE-L-15-00114 was received by the Department on 3/4/2015. The response stated that the ditch was vacuumed on February 2 and 3, 2015. The sediment in question was removed and the waste taken to the dairy farm irrigation lagoon.
III.	File Review 2/24/2015	The Respondent failed to comply with LPDES permit LA0037923. Specifically, between May 2012 through September 2014, the Respondent reported exceedences of permit effluent limitations for TSS, BOD, pH, fecal coliform and Oil & Grease [see attachment Table 1]. (LA0037923 (Effluent Limitations and Monitoring Requirements pages 1-4 and Standard Conditions, Section A.2), La. R.S. 30:2076 (A)(3) and LAC 33:IX.501.A)
IV.	File Review 2/24/2015	The Respondent failed to report flow on the Discharge Monitoring Reports (DMRs) since May 2012 as required. (LA0037923 (Effluent Limitations and Monitoring Requirements pages 1-4 and Standard Conditions, Section A.2)), La. R.S. 30:2076(A)(3) and LAC 33:IX.2701.L.4.d.
V.	File Review 2/24/2015	The Respondent caused and/or allowed unauthorized discharges from the facility into waters of the state. Specifically, on or about September 17, 2014 the Respondent discharged 150 gallons of diluted milk into the receiving stream through the storm drain. The unauthorized discharge is a violation of La. R.S. 30:2075.
VI.	File Review 2/24/2015	The Respondent failed to submit monthly Discharge Monitoring Reports (DMRs) as required by LPDES permit LA0037923. Specifically, the Respondent failed to submit DMRs for Outfall 002 for the monitoring periods from May 2012 through June 2014. Each failure to submit DMRs is a violation of LPDES permit LA0037923 (Submittal/Action Requirements Condition No. S-1 and Standard Conditions, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

**ORDER**

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

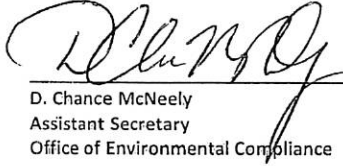
I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
II.	To immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharges from the Respondent's facility to waters of the state.
III.	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.
IV.	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.)
V.	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 <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
II.	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 Melissa Sherman at 225-219-3770 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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 <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION	
<i>Enforcement Division:</i> Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Melissa Sherman	<i>Hearing Requests:</i> 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. Agency Interest No. 1694
<i>Permit Division (if necessary):</i> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	<i>Physical Address (if hand delivered):</i> 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"> <li>• To appeal the <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY</b>, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY</b>.</li> <li>• To request closure of the <b>COMPLIANCE ORDER</b> portion, the Respondent must demonstrate compliance with the "Order" portion of this <b>COMPLIANCE ORDER</b> by completing the attached "<b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b>" form and returning it to the address specified.                         <ul style="list-style-type: none"> <li>○ The <b>COMPLIANCE ORDER</b> 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 <a href="mailto:_DEQ-WWWFinancialServices@la.gov">_DEQ-WWWFinancialServices@la.gov</a> to determine if you owe outstanding fees.</li> </ul> </li> <li>• To expedite closure of the <b>NOTICE OF POTENTIAL PENALTY</b> portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.</li> </ul>	

- o The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- o 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.
- o 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 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 Melissa Sherman at 225-219-3770 or melissa.sherman@la.gov.



D. Chance McNeely  
Assistant Secretary  
Office of Environmental Compliance

Date: 4-17-15

cc: Kenneth Kleinpeter, President  
14444 Airline Highway  
Baton Rouge, LA 70817


ec: Carrie Castille, Ph.D.  
Department of Agriculture and Forestry  
ccastille@daf.state.la.us

Attachment(s)

- Request to Close
- Table 1

Date	Outfall	Parameter	Permit Limit	Sample Value
May 2012	001	BOD	30 mg/L Monthly Average	186 mg/L
	001	BOD	45 mg/L Daily Max	186 mg/L
	001	TSS	30 mg/L Monthly Average	60 mg/L
	001	TSS	45 mg/L Daily Max	60 mg/L
	001	Oil & Grease	15 mg/L Daily Max	32 mg/L
June 2012	001	TSS	30 mg/L Monthly Average	59 mg/L
	001	TSS	45 mg/L Daily Max	59 mg/L
	001	Oil & Grease	15 mg/L Daily Max	21 mg/L
July 2012	001	TSS	30 mg/L Monthly Average	40 mg/L
	001	TSS	45 mg/L Daily Max	40 mg/L
	001	Oil & Grease	15 mg/L Daily Max	21 mg/L
September 2012	001	BOD	30 mg/L Monthly Average	174 mg/L
	001	BOD	45 mg/L Daily Max	174 mg/L
	001	TSS	30 mg/L Monthly Average	290 mg/L
	001	TSS	45 mg/L Daily Max	290 mg/L
	001	Oil & Grease	15 mg/L Daily Max	27 mg/L
October 2012	001	BOD	30 mg/L Monthly Average	91 mg/L
	001	BOD	45 mg/L Daily Max	91 mg/L
	001	TSS	30 mg/L Monthly Average	176 mg/L
	001	TSS	45 mg/L Daily Max	176 mg/L
	001	Oil & Grease	15 mg/L Daily Max	34 mg/L
November 2012	001	BOD	30 mg/L Monthly Average	302 mg/L
	001	BOD	45 mg/L Daily Max	302 mg/L
	001	TSS	30 mg/L Monthly Average	347 mg/L
	001	TSS	45 mg/L Daily Max	347 mg/L
	001	Oil & Grease	15 Daily Max	43 mg/L
December 2012	001	BOD	30 mg/L Monthly Average	246 mg/L
	001	BOD	45 mg/L Daily Max	246 mg/L
	001	TSS	30 mg/L Monthly Average	270 mg/L
	001	TSS	45 mg/L Daily Max	270 mg/L
	001	Oil & Grease	15 mg/L Daily Max	32 mg/L
January 2013	001	BOD	30 mg/L Monthly Average	132 mg/L
	001	BOD	45 mg/L Daily Max	132 mg/L
February 2013	001	BOD	30 mg/L Monthly Average	400 mg/L
	001	BOD	45 mg/L Daily Max	400 mg/L
	001	TSS	30 mg/L Monthly Average	237 mg/L
	001	TSS	45 mg/L Daily Max	237 mg/L
	001	Oil & Grease	15 mg/L Daily Max	21 mg/L
March 2013	001	BOD	30 mg/L Monthly Average	372 mg/L
	001	BOD	45 mg/L Daily Max	372 mg/L
	001	Oil & Grease	15 mg/L Daily Max	27 mg/L
April 2013	001	BOD	30 mg/L Monthly Average	245 mg/L
	001	BOD	45 mg/L Daily Max	245 mg/L
	001	TSS	30 mg/L Monthly Average	127 mg/L
	001	TSS	45 mg/L Daily Max	127 mg/L
	001	Oil & Grease	15 mg/L Daily Max	16 mg/L
May 2013	001	BOD	30 mg/L Monthly Average	306 mg/L
	001	BOD	45 mg/L Daily Max	306 mg/L
	001	Oil & Grease	15 mg/L Daily Max	39 mg/L
June 2013	001	BOD	30 mg/L Monthly Average	165 mg/L
	001	BOD	45 mg/L Daily Max	165 mg/L
July 2013	001	BOD	30 mg/L Monthly Average	1470 mg/L
	001	BOD	45 mg/L Daily Max	1470 mg/L
	001	TSS	30 mg/L Monthly Average	144 mg/L
	001	TSS	45 mg/L Daily Max	144mg/L
	001	Oil & Grease	15 mg/L Daily Max	29 mg/L
August 2013	001	pH	6.0 Minimum	4.8
	001	BOD	30 mg/L Monthly Average	828 mg/L
	001	BOD	45 mg/l Daily Max	828 mg/L
	001	TSS	30 mg/L Monthly Average	126 mg/L
	001	TSS	45 mg/L Daily Max	126 mg/L
September 2013	001	Oil & Grease	15 mg/L Daily Max	18 mg/L
	001	BOD	30 mg/L Monthly Average	210 mg/L
	001	BOD	45 mg/L Daily Max	210 mg/L
	001	TSS	30 mg/L Monthly Average	103 mg/L
	001	TSS	45 mg/L Daily Max	103 mg/L
October 2013	001	Oil & Grease	15 mg/L Daily Max	29 mg/L
	001	BOD	30 mg/L Monthly Average	399 mg/L

	001	BOD	45 mg/L Daily Max	399 mg/L
	001	TSS	30 mg/L Monthly Average	432 mg/L
	001	TSS	45 mg/L Daily Max	432 mg/L
	001	Oil & Grease	15 mg/L Daily Max	21 mg/L
	001	pH	6.0 Minimum	5.3
November 2013	001	BOD	30 mg/L Monthly Average	114 mg/L
	001	BOD	45 mg/L Daily Max	114 mg/L
	001	TSS	30 mg/L Monthly Average	35 mg/L
	001	pH	9.0 Maximum	9.7
December 2013	001	BOD	30 mg/L Monthly Average	246 mg/L
	001	BOD	45 mg/L Daily Max	246 mg/L
	001	TSS	30 mg/L Monthly Average	190 mg/L
	001	TSS	45 mg/L Daily Max	190 mg/L
January 2014	001	BOD	30 mg/L Monthly Average	120 mg/L
	001	BOD	45 mg/L Daily Max	120 mg/L
	001	TSS	30 mg/L Monthly Average	152 mg/L
	001	TSS	45 mg/L Daily Max	152 mg/L
	001	Oil & Grease	15 mg/L Daily Max	23 mg/L
February 2014	001	TSS	30 mg/L Monthly Average	136 mg/L
	001	TSS	45 mg/L Daily Max	136 mg/L
	001	Oil & Grease	15 mg/L Daily Max	31 mg/L
March 2014	001	BOD	30 mg/L Monthly Average	195 mg/L
	001	BOD	45 mg/L Daily Max	195 mg/L
	001	TSS	30 mg/L Monthly Average	100 mg/L
	001	TSS	45 mg/L Daily Max	100 mg/L
April 2014	001	BOD	30 mg/L Monthly Average	183 mg/L
	001	BOD	45 mg/L Daily Max	183 mg/L
	001	TSS	30 mg/L Monthly Average	87 mg/L
	001	TSS	45 mg/L Daily Max	87 mg/L
May 2014	001	BOD	30 mg/L Monthly Average	182 mg/L
	001	BOD	45 mg/L Daily Max	182 mg/L
	001	TSS	30 mg/L Monthly Average	60 mg/L
	001	TSS	45 mg/L Daily Max	60 mg/L
June 2014	001	BOD	30 mg/L Monthly Average	241 mg/L
	001	BOD	45 mg/L Daily Max	241 mg/L
	001	TSS	30 mg/L Monthly Average	86 mg/L
	001	TSS	45 mg/L Daily Max	86 mg/L
July 2014	001	BOD	30 mg/L Monthly Average	69 mg/L
	001	BOD	45 mg/L Daily Max	69 mg/L
	001	TSS	30 mg/L Monthly Average	67 mg/L
	001	TSS	45 mg/L Daily Max	67 mg/L
September 2014	001	BOD	30 mg/L Monthly Average	386 mg/L
	001	BOD	45 mg/L Daily Max	386 mg/L
	001	TSS	30 mg/L Monthly Average	186 mg/L
	001	TSS	45 mg/L Daily Max	186 mg/L
	002	BOD	30 mg/L Monthly Average	156 mg/L
	002	BOD	45 mg/L Daily Max	156 mg/L
	002	TSS	30 mg/L Monthly Average	102 mg/L
	002	TSS	45 mg/L Daily Max	102 mg/L
	002	Fecal Coliform	200 col/100 ml Monthly Average	60000 col/100 ml
	002	Fecal Coliform	400 col/100 ml Daily Max	60000 col/100 ml

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>CONSOLIDATED COMPLIANCE ORDER &amp;                  NOTICE OF POTENTIAL PENALTY                  REQUEST TO CLOSE</b>		
Enforcement Tracking No.	WE-CN-15-00114	Contact Name	Melissa Sherman	
Agency Interest (AI) No.	1694	Contact Phone No.	225-219-3770	
Alternate ID No.	LA0037923			
Respondent:	Kleinpeter Farms Dairy, LLC	Facility Name:	Kleinpeter Farms Dairy, LLC	
	c/o Sue Anne Kleinpeter Cox	Physical Location:	14444 Airline Highway	
	Agent for Service of Process			
	14444 Airline Highway	City, State, Zip:	Baton Rouge, LA 70817	
	Baton Rouge, LA 70817	Parish:	East Baton Rouge	
<b>STATEMENT OF COMPLIANCE</b>				
<b>STATEMENT OF COMPLIANCE</b>		<b>Date Completed</b>	<b>Copy Attached?</b>	
A written report was submitted in accordance with Paragraph III of the "Order" portion of the <b>COMPLIANCE ORDER</b> .				
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph IV of the "Order" portion of the <b>COMPLIANCE ORDER</b> .				
All items in the "Findings of Fact" portion of the <b>COMPLIANCE ORDER</b> were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the <b>COMPLIANCE ORDER</b> . Final compliance was achieved as of:				
<b>SETTLEMENT OFFER (OPTIONAL)</b>				
<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 <b>NOTICE OF POTENTIAL PENALTY</b> (), 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 <b>NOTICE OF POTENTIAL PENALTY</b> (), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY</b> () and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
<b>CERTIFICATION STATEMENT</b>				
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
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Melissa Sherman				

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