

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LOS AMIGOS PLUS, LLC

AI # 20891

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

* Settlement Tracking No.
* SA-UE-20-0101
*
* Enforcement Tracking No.
* UE-PP-17-00189
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SETTLEMENT

The following Settlement is hereby agreed to between Los Amigos Plus, 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 owned and/or operated a motor fuel retailer located in Houma, Terrebonne Parish, Louisiana (“the Facility”).

II

On July 20, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. UE-PP-17-00189 (Exhibit 1).

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 FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00), of which Eight Hundred Eighty-Nine and 56/100 Dollars (\$889.56) 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).

V

Respondent further agrees that the Department may consider the inspection report(s), the 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 Terrebonne 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 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.

LOS AMIGOS PLUS, LLC

BY: [Signature]
(Signature)

Maged Shai'Bi
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 31st day of March, 20 21, at Houma, Louisiana.

Yelonda M. Dean
NOTARY PUBLIC (ID # 92059)

Yelonda M. Dean #92059

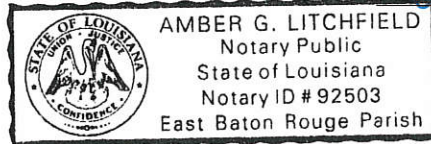
(stamped or printed)

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 23rd day of June, 20 21, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
July 20, 2017



CERTIFIED MAIL (7014 1200 0000 7864 2420)
RETURN RECEIPT REQUESTED

LOS AMIGOS PLUS, LLC
c/o Maged Sahibi
Agent for Service of Process
1400 E Tunnel Blvd.
Houma, LA 70360

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. UE-PP-17-00189
AGENCY INTEREST NO. 20891**

Dear Sir:

On or about July 26, 2016; October 24, 2016; and January 6, 2017, inspections of **CIVIC EXPRESS**, a motor fuel retailer, owned and/or operated by **LOS AMIGOS PLUS, LLC (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Underground Storage Tanks Regulations. The facility is located at 1251 Barrow Street in Houma, Terrebonne Parish, Louisiana. The facility has been assigned alternate identification number 55-012416.

A compliance inspection conducted by the Department on or about July 26, 2016, revealed that the Respondent had not performed any method of release detection for the USTs since May 2014. In addition, the Respondent had not performed line tightness and automatic line leak detector testing every twelve (12) months, as required.

On or about August 3, 2016, USTs 35228 and 35229 were taken out of service by the Respondent due to the presence of water in the tanks. Water was removed from the tanks on or about August 4-5, 2016, by Collins Maintenance Service, Inc. (Collins). Water was subsequently detected in the two (2) tanks following the initial removal. On or about August 15, 2016, Collins removed more water and transferred the remaining fuel in USTs 35228 and 35229 to UST 35227. The Louisiana Department of Agriculture and Forestry tagged out the dispenser nozzles associated with USTs 35228 and 35229 due to the presence of water in the tanks on or about August 25, 2016.

On or about October 24, 2016, a follow-up inspection of the facility was conducted by the Department. During the inspection, it was discovered that USTs 35228 and 35229 had been taken out of

service in August due to the presence of water in the two (2) tanks. At the time of the October 2016 inspection, water levels of approximately four (4) and nine (9) inches were gauged in USTs 35228 and 35229, respectively. Delivery prohibition red tag numbers 606 and 607 were applied by the Department to USTs 35227 and 35230 since release detection had not been conducted.

On or about October 31, 2016, the Respondent reported the suspected release to the Department. On or about November 18, 2016, the Department issued a Notice of Deficiency to the Respondent for violations discovered during the July and October 2016 inspections. The Respondent submitted passing tank tightness testing records dated November 7, 2016, for USTs 35227 and 35230 and a service agreement with Total SIR dated November 10, 2016, in response to the Notice of Deficiency.

On or about December 6, 2016, Collins performed an environmental site check to investigate the suspected release. Soil samples were collected approximately six (6) feet below ground surface at the groundwater interface near the tank hold for gasoline constituents. Analytical results of the soil samples indicated that no constituents of concern exceeded the applicable RECAP Table I non-industrial screening standards.

On or about January 6, 2017, the Department removed delivery prohibition red tag numbers 606 and 607 from USTs 35227 and 35230. The Department issued a Deficiency Clear letter on January 17, 2017, stating that all violations cited in the Notice of Deficiency had been adequately addressed.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to report an unexplained presence of water in the tanks within twenty-four (24) hours after becoming aware of the occurrence, in violation of LAC 33:XI.707. Specifically, the Respondent did not notify the Department within twenty-four (24) hours that gasoline USTs 35228 and 35229 contained water levels of one and a half (1.5) inches and five and three quarters (5.75) inches, respectively, when gauged on or about August 3, 2016. The incident was reported to the Department on or about October 31, 2016. This violation has been addressed.
- B. The Respondent failed to investigate and confirm a suspected release of a regulated substance requiring reporting under LAC 33:XI.707 within seven (7) days, in violation of LAC 33:XI.711. Specifically, the facility failed to investigate within seven (7) days the suspected release from gasoline USTs 35228 and 35229 that occurred on or about August 3, 2016. A site check was performed on or about December 6, 2016. This violation has been addressed.
- C. The Respondent failed to conduct a method of release detection on the UST system in accordance with LAC 33:XI.701, in violation of LAC 33:XI.703.A.1. Specifically, the Respondent did not perform release detection on the UST system for approximately twenty-seven (27) months, from May 2014 through November 2016. On or about November 10, 2016, the Respondent submitted a TotalSIR release detection agreement and passing tank tightness test results for gasoline UST 35227 and diesel UST 35230. This violation has been addressed.
- D. The Respondent failed to conduct a test of the operation of the automatic line leak detectors every twelve (12) months in accordance with the manufacturer's requirements and also by

- simulating a release in order to determine if the system is fully operational, in violation of LAC 33:XI.701.B.1. Specifically, the last three (3) line leak detector tests were conducted on May 3, 2014; June 9, 2015; and June 23, 2016. This violation has been addressed.
- E. The Respondent failed to monitor the pressurized piping for releases by either conducting a line tightness test every twelve (12) months in accordance with LAC 33:XI.701.B.2, or by conducting an approved monthly monitoring method in accordance with LAC 33:XI.701.B.3, in violation of LAC 33:XI.703.B.2.a.ii. Specifically, the last three (3) line tightness tests were conducted on May 3, 2014; June 9, 2015; and June 23, 2016. This violation has been addressed.

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Jennifer Boudreaux at (225) 219-3636 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this 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.

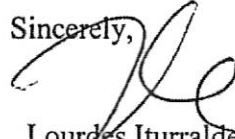
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" 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.

Los Amigos Plus, LLC
UE-PP-17-00189
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To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/JMB/jmb
Alt ID No. 55-012416

c: Los Amigos Plus, LLC
1251 Barrow St.
Houma, LA 70360

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

NOTICE OF POTENTIAL PENALTY

REQUEST TO SETTLE (OPTIONAL)



Enforcement Tracking No.	UE-PP-17-00189	Contact Name	Jennifer Boudreaux
Agency Interest (AI) No.	20891	Contact Phone No.	(225) 219-3636
Alternate ID No.	55-012416		
Respondent:	Los Amigos Plus, LLC	Facility Name:	Civic Express
	c/o Maged Sahibi	Physical Location:	1251 Barrow St.
	Agent for Service of Process		
	1400 E Tunnel Blvd.	City, State, Zip:	Houma, LA 70360
	Houma, LA 70360	Parish:	Terrebonne

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<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 (UE-PP-17-00189), 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 (UE-PP-17-00189), 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 (UE-PP-17-00189) 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: Jennifer Boudreaux