

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WRIGHT ENRICHMENT, INCORPORATED

AI # 19033

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

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

* Settlement Tracking No.
* SA-WE-20-0067
*
* Enforcement Tracking No.
* WE-CN-15-01025
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SETTLEMENT

The following Settlement is hereby agreed to between Wright Enrichment, Incorporated (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a vitamin and mineral blending, and rice enrichment facility located in Crowley, Acadia Parish, Louisiana (“the Facility”).

II

On May 6, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01025 (Exhibit 1).

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

An inspection conducted by the Department on or about February 21, 2020, and subsequent file reviews conducted by the Department on or about October 21, 2019, and October 15, 2020, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs)

for Outfalls 001-Q and 002-Q in a timely manner. The Respondent is required to submit quarterly DMRs no later than the 28th day of the month following each calendar quarter. Specifically, the Respondent failed to submit DMRs by the due dates for Outfall 001-Q for the fourth quarter of 2015; the first, second, third, and fourth quarters of 2016; the first, second, third, and fourth quarters of 2017; and the first, second, and third quarters of 2018; and for Outfall 002-Q for the first, second, third, and fourth quarters of 2017; and the first, second, and third quarters of 2018. Each failure to submit DMRs in a timely manner is a violation of LPDES permit LA0072184 (Facility Requirements, Condition S-1, Page 4 of 4 prior to December 1, 2016; Permit Requirements, Submittal/Action Requirements, Pages 1 and 3 of 7 after December 1, 2016; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.

An inspection conducted by the Department on or about February 21, 2020, revealed that the Respondent failed to implement portions of the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP was last revised February 1, 2013. Specifically, the Respondent failed to update the SWPPP's pollution prevention team and failed to conduct the annual inspections. The failure to implement any portion of a SWPPP is a violation of LPDES LA0072184 (Permit Requirements, Sections N-6 and N-8, Pages 5 and 6 of 7; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about February 21, 2020, and a subsequent file review conducted by the Department on or about October 15, 2020, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2016, 2017, 2018, and 2019, as required by Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000. The form is due by January 28th of the following year.

Each failure to submit the required reports is a violation of General Permit LAJ660000 (Part II, Section C; and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

File reviews conducted by the Department on or about October 21, 2019, and October 15, 2020, revealed that the Respondent failed to submit a DMR for Outfall 002-Q for the fourth quarter of 2016. The failure to submit a DMR is a violation of LPDES permit LA0072184 (Permit Requirements, Submittal/Action Requirements, Page 3 of 7 after December 1, 2016; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about October 15, 2020, revealed that the Respondent had an effluent limitation exceedance. The effluent limitation exceedance, as reported by the Respondent on a DMR, is summarized in the following table:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
1st Qtr. 2020	001-Q	Total Dissolved Solids (Monthly Avg.) – mg/L	260	268

The effluent limitation exceedance is a violation of LPDES permit LA0072184 (Effluent Limitations and Monitoring Requirements, Page 1 of 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 ELEVEN THOUSAND AND NO/100 DOLLARS (\$11,000.00), of which One Thousand Three

Hundred Forty-Nine and 75/100 Dollars, (\$1,349.75) 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 Acadia 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.

WRIGHT ENRICHMENT, INCORPORATED

BY: S.L. Wright IV
(Signature)

S.L. Wright IV
(Printed)

TITLE: President + CEO

THUS DONE AND SIGNED in duplicate original before me this 24 day of May, 20 21, at Lafayette, Louisiana.

[Signature]
NOTARY PUBLIC (ID # _____)
LA Bar Roll #33127

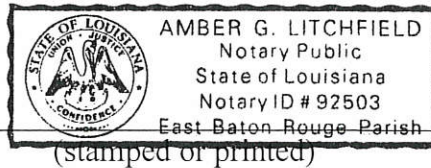
Daniel J. Finch
(stamped or printed)

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)



Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 6, 2016

CERTIFIED MAIL (7004 2510 0006 3854 0689)
RETURN RECEIPT REQUESTED

WRIGHT ENRICHMENT, INCORPORATED
c/o Salmon L. Wright, IV
6428 Airport Road
Crowley, Louisiana 70526

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-15-01025
AGENCY INTEREST NO. 19033

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **WRIGHT ENRICHMENT, INCORPORATED (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Bernie Boyett at (225) 219-0783.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/BKB/bkb
Alt ID No. LA0072184
Attachments

c: e-copy-DHH/Office of Public Health



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
WRIGHT ENRICHMENT, INCORPORATED	*	ENFORCEMENT TRACKING NO.
ACADIA PARISH	*	
ALT ID NO. LA0072184	*	WE-CN-15-01025
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	19033
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WRIGHT ENRICHMENT, INCORPORATED (RESPONDENT)** 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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a vitamin and mineral blending, and rice enrichment facility located at 6428 Airport Road in Crowley, Acadia Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0072184 on June 30, 2010, with an effective date of August 1, 2010, and an expiration date of July 31, 2015. The Respondent submitted a written request, dated April 6, 2015, to the Department to extend the deadline for the LPDES permit renewal application. The Department granted the extension on April 14, 2015. The Respondent submitted an LPDES permit renewal

application to the Department on or about May 11, 2015, and LPDES permit LA0072184 was administratively continued. LPDES permit LA0072184 authorizes the Respondent to discharge treated sanitary wastewater, boiler blowdown, washdown wastewater, and stormwater into an unnamed ditch, thence into local drainage, thence into Bayou Plaquemine Brule, waters of the state.

II.

An inspection conducted by the Department on or about June 1, 2015, and a subsequent file review conducted by the Department on or about January 6, 2016, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on monthly Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
1 st Qtr. 2011	001	Total Suspended Solids (Monthly Avg.) – mg/L	90	102
1 st Qtr. 2012	001	CBOD ₅ (Monthly Avg.) – mg/L	30	35
		Total Suspended Solids (Monthly Avg.) – mg/L	90	170
		Total Suspended Solids (Daily Max.) – mg/L	135	170
		Total Suspended Solids (Monthly Avg.) – mg/L	90	97
3 rd Qtr. 2012	001	Total Suspended Solids (Monthly Avg.) – mg/L	90	97
1 st Qtr. 2013	001	CBOD ₅ (Monthly Avg.) – mg/L	30	390
		CBOD ₅ (Daily Max.) mg/L	45	390
		Fecal Coliform (Monthly Avg.) - col/100mL	200	>600
		Fecal Coliform (Daily Max.) - col/100mL	400	>600
		Total Suspended Solids (Monthly Avg.) – mg/L	90	316
		Total Suspended Solids (Daily Max.) – mg/L	135	316
4 th Qtr. 2013	001	CBOD ₅ (Monthly Avg.) – mg/L	30	>407
		CBOD ₅ (Daily Max.) mg/L	45	>407
		Fecal Coliform (Monthly Avg.) - col/100mL	200	>600
		Fecal Coliform (Daily Max.) - col/100mL	400	>600
		Oil & Grease (Daily Max.) – mg/L	15	66.8
		Total Suspended Solids (Monthly Avg.) – mg/L	90	228
		Total Suspended Solids (Daily Max.) – mg/L	135	228
		Total Suspended Solids (Monthly Avg.) – mg/L	90	100
3 rd Qtr. 2014	001	CBOD ₅ (Monthly Avg.) – mg/L	30	100
		CBOD ₅ (Daily Max.) mg/L	45	100
4 th Qtr. 2014	001	CBOD ₅ (Monthly Avg.) – mg/L	30	88
		CBOD ₅ (Daily Max.) mg/L	45	88
		Total Suspended Solids (Monthly Avg.) – mg/L	90	252
		Total Suspended Solids (Daily Max.) – mg/L	135	252
2 nd Qtr. 2015	001	CBOD ₅ (Monthly Avg.) – mg/L	30	120
		CBOD ₅ (Daily Max.) mg/L	45	120
		Total Suspended Solids (Monthly Avg.) – mg/L	90	114
		Total Suspended Solids (Daily Max.) – mg/L	135	114
		Total Dissolved Solids (Monthly Avg.) – mg/L	260	356

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
3 rd Qtr. 2015	001	CBOD ₅ (Monthly Avg.) – mg/L	30	99
		CBOD ₅ (Daily Max.) mg/L	45	99
		Fecal Coliform (Monthly Avg.) - col/100mL	200	300
		Total Suspended Solids (Monthly Avg.) – mg/L	90	95
		Total Suspended Solids (Daily Max.) – mg/L	135	228
		Total Dissolved Solids (Monthly Avg.) – mg/L	260	384

Each effluent exceedance is a violation of LPDES permit LA0072184 (Effluent Limitations and Monitoring Requirements, Pages 1 and 2 of 2; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III.

An inspection conducted by the Department on or about June 1, 2015, and a subsequent file review conducted by the Department on or about January 6, 2016, revealed that the Respondent failed to sample in accordance with LPDES permit LA0072184. Specifically, the Respondent is required by LPDES permit LA0072184 to sample quarterly for Total Dissolved Solids (TDS). As reported on the quarterly DMRs, the Respondent failed to sample for TDS for the first quarter of 2011, first and third quarters of 2012, first and fourth quarters of 2013, and third and fourth quarters of 2014. Each failure to sample is a violation of LPDES permit LA0072184 (Effluent Limitations and Monitoring Requirements, Page 2 of 2; and Standard Conditions for LPDES Permits, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

IV.

A file review conducted by the Department on or about January 6, 2016, revealed that the Respondent failed to submit DMRs in a timely manner. The Respondent is required to submit quarterly DMRs no later than the 28th day of the month following each calendar quarter. Specifically, the Respondent failed to submit quarterly DMRs by the due dates for the fourth quarter of 2012 through the second quarter of 2015. Each failure to submit a DMR in a timely manner is a violation of LPDES permit LA0072184 (Facility Requirements, Page 4 of 4; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.

V.

A file review conducted by the Department on or about January 6, 2016, revealed that the Respondent failed to submit a DMR for the second quarter of 2011. Failure to submit a DMR is

a violation of LPDES permit LA0072184 (Facility Requirements, Page 4 of 4; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with LPDES permit LA0072184 and the Water Quality Regulations including, but not limited to, complying with all effluent limitations, sampling, and submitting DMRs in a timely manner.

II.

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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: NetDMR
Re: Enforcement Tracking No. WE-CN-15-01025
Agency Interest No. 19033

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.

III.

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.

IV.

In the event the Respondent believes that complete correction is not physically possible within thirty (30) days, the Respondent shall submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan for the expeditious elimination and prevention

of such noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

V.

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 violations 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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Bernie Boyett
Enforcement Tracking No. WE-CN-15-01025
Agency Interest No. 19033

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** 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 following:

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. WE-CN-15-01025
Agency Interest No. 19033

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 Department's Rules of Procedure. 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.

IV.

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 twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, 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 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 Bernie Boyett at (225) 219-0783 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

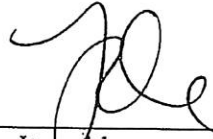
III.

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.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 6th day of May, 2016.



Lourdes Iturza de
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Bernie Boyett



The attached enforcement action requires the use of NetDMR

WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at <http://www.deq.louisiana.gov/netdmr> for training materials and current information offered by LDEQ. Information about EPA's training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at <https://netdmr.epa.gov/netdmr>
2. Choose "Louisiana DEQ" as the Regulatory Authority from the drop-down list
3. Click the "Create a NetDMR Account" link in the login box
4. Complete the account information as required
 - a. Type of user must be "Permittee User"
 - b. Security answers must be unique and are case sensitive
5. Click "Submit" and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click "Request Access" link in the top left corner
10. Enter Permit Number and click "Update"
11. Select "Signatory" role and click "Add Request"
12. Click "Submit" and confirm
13. Provide Signatory Information, click "Submit" and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email deqnetdmr@la.gov.

A circular logo with a globe-like background. The text "NetDMR" is written in a bold, sans-serif font across the center of the globe.

NetDMR

SETTLEMENT AGREEMENTS

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.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500	\$20,000	\$15,000
	to \$20,000	to \$15,000	to \$11,000
MODERATE	\$11,000	\$8,000	\$5,000
	to \$8,000	to \$5,000	to \$3,000
MINOR	\$3,000	\$1,500	\$500
	to \$1,500	to \$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
5. 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.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

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
Media: Air Quality, Function: Enforcement; Description: Settlement
- Settlement Agreements [Enforcement Division's website](#)
specific examples can be provided upon request
- Penalty Determination Method [LAC 33:I Chapter 7](#)
- Beneficial Environmental Projects [LAC 33:I Chapter 25](#)
[FAQs](#)
- Judicial Interest..... [provided by the Louisiana State Bar Association](#)

