

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BAYOU SHRIMP PROCESSORS, INC.

AI # 43239

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

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

* Settlement Tracking No.

* SA-MM-21-0054

*

* Enforcement Tracking No.

* MM-CN-19-00692

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SETTLEMENT

The following Settlement is hereby agreed to between Bayou Shrimp Processors, Inc. (“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 shrimp processing facility located in Delcambre, Iberia Parish, Louisiana (“the Facility”).

II

On November 14, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-00692 (Exhibit 1).

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

The Department conducted an inspection on May 29, 2020, and a subsequent file review on or about August 8, 2020, to determine the Respondent’s degree of compliance with the Act, the Water Quality Regulations, and all applicable permits. While the Department’s investigation is not

complete, the following noncompliance issues were noted during the course of the file review and inspection:

The Respondent failed to comply with the terms and conditions of the LPDES Permit LA0097438. Specifically, an inspection conducted on May 29, 2020, and a file review on August 8, 2020, revealed the Respondent reported exceedances of permit effluent limitations for fecal coliform from monitoring periods of July 2019 through June 2020 in violation of LAC 33:IX.501.A.

The Respondent failed to comply with the terms and conditions of the LPDES Permit LA0097438. Specifically, an inspection conducted on May 29, 2020, revealed there were no chlorine tablets present in the chlorine contact chamber in violation of LAC 33:IX.2701.E.

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 FIVE HUNDRED AND NO/100 DOLLARS (\$5,500.00), of which One Thousand Five Hundred Seventy-One and 63/100 Dollars (\$1,571.63) 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 Iberia 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.

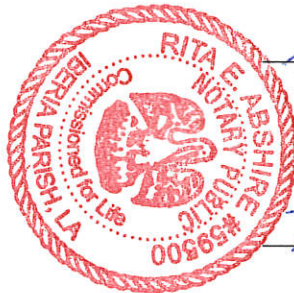
BAYOU SHRIMP PROCESSORS, INC.

BY: [Signature]
(Signature)

Kory Eckelard
(Printed)

TITLE: Owner

THUS DONE AND SIGNED in duplicate original before me this 15 day of February, 20 22, at New Iberia, La.



Rita E. Abshire
NOTARY PUBLIC (ID #59500)

Rita E. Abshire
(stamped or printed)

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

BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 11th day of May, 20 22, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)
AMBER G. LITCHFIELD
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish

(stamped or printed)

Approved: [Signature]
Celena J. Cage, Assistant Secretary

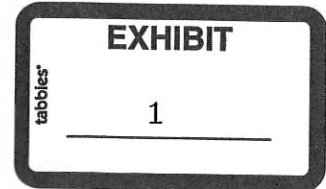


JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 14, 2019



CERTIFIED MAIL (7017 2400 0000 7557 4702)
RETURN RECEIPT REQUESTED

BAYOU SHRIMP PROCESSORS, INC.
c/o Kory Echelard
Agent for Service of Process
107 Llansfair Drive
Lafayette, LA 70503

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-00692
AGENCY INTEREST NO. 43239**

Dear Sir/Madam:

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 **BAYOU SHRIMP PROCESSORS, INC. (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 Brendan Marsh at (225) 219-3372.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/BMM/dm
Alt ID No. LA0097438
Attachment

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

IN THE MATTER OF	*	
	*	
BAYOU SHRIMP PROCESSORS, INC.	*	ENFORCEMENT TRACKING NO.
IBERIA PARISH	*	
ALT ID NO. LA0097438	*	MM-CN-19-00692
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	43239
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **BAYOU SHRIMP PROCESSORS, INC. (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), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a shrimp processing facility located at 9818 J. Dooley Road in Delcambre, Iberia Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0097438 on January 21, 2014, with an effective date of February 1, 2014 and expiration date of January 31, 2019. A permit modification was issued on July 8, 2016 with an effective date of August 1, 2016. The Respondent submitted a renewal application on or about October 16, 2018 and LPDES Permit LA0097438 was administratively continued until it was reissued on May 22, 2019, with an effective date of July 1, 2019. LPDES Permit LA0097438 will expire on June 30, 2024. Under the terms and conditions of LPDES Permit LA0097438, the Respondent is permitted to discharge shrimp processing wastewater, filter backwash, treated sanitary wastewater and storm water runoff into Delcambre Canal, waters of the state. The Respondent is authorized under an approved Best Management

Practice (BMP) Plan from the Louisiana Department of Agriculture and Forestry to transport and dispose of solid waste at offsite locations; however, the Respondent is not authorized to receive, dispose, or process solid waste at the facility.

II.

On or about July 3, 2019, and July 8, 2019, the Department conducted inspections of the above referenced facility, in response to a citizen's complaint, to determine the degree of compliance with the Act and the supporting Solid Waste and Water Quality Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent caused and/or allowed the disposal of regulated solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, solid waste is not being managed in accordance with the facility's approved BMP Plan. A five (5) feet by three (3) feet area of shrimp peelings was observed in the grass near the bulkhead above Outfall 001 during the course of the inspections. The current approved BMP Plan allows the Respondent to dispose of shrimp peelings at offsite locations by land application. The current approved BMP Plan does not allow the Respondent to dispose of shrimp peelings onsite.
- B. The Respondent failed to comply with the terms and conditions of the LPDES Permit LA0097438. Specifically, the following were noted:
 1. During the site inspections the Department's inspectors observed foam and solids discharging from outfall 001 located on the west side of the processing plant. (See photos 3, 4, 6, 7 and 8 of the inspection report) (LPDES Permit LA0097438 (Narrative Requirements, Section N-3 pages 2&4 of 7 & Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(1)(a), and LAC 33:IX.501.D.
 2. The Respondent uses a hydro-sift screen to remove solids from the process water before it is discharged through outfall 001. The shrimp peelings/shells are placed on a conveyor belt that dumps them into the back of a truck. The inspectors observed shrimp peelings on the ground under the conveyor belt. The Respondent stated at the end of the day the employees sweep all of the peelings into the sump below the hydro-sift. The sump is directly routed to outfall 001.

The inspector observed peelings discharging through outfall 001. (LPDES Permit LA0097438 (Standard Conditions for LPDES Permits, Sections A.2), La. R.S. 30:2076(A)(1)(a), and LAC 33:IX.501.D)

- C. A file review conducted by the Department on August 15, 2019, revealed the Respondent failed to include results on the discharge monitoring reports (DMRs) for Total Recoverable Iron on outfall 001-Q from July 2016 through March 2017. (LPDES Permit LA0097438 (Submittal Requirements, Section S-1 page 1 of 7 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)
- D. A file review conducted by the Department on August 15, 2019, revealed the Respondent reported exceedances of permit effluent limitations for BOD and Fecal Coliform. (LPDES Permit LA0097438 (Effluent and Monitoring Requirements, page 3 of 7 & Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) See Table Below

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value	Units
12-31-2017	002-Q	BOD MOAV.	30	>30	Mg/L
12-31-2017	002-Q	BOD Daily MX.	45	>30	Mg/L
03-31-2018	002-Q	Fecal Coliform MOAV.	200	365.4	CFU/100mL
09-30-2018	002-Q	Fecal Coliform MOAV.	200	>2419.6	CFU/100mL
09-30-2018	002-Q	Fecal Coliform Daily MX.	400	>2419.6	CFU/100mL

12-31-2018	002-Q	Fecal Coliform MOAV.	200	>2419.6	CFU/100mL
12-31-2018	002-Q	Fecal Coliform Daily MX.	400	>2419.6	CFU/100mL
06-30-2019	002-Q	Fecal Coliform Daily MX.	400	>2419.6	CFU/100mL

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste and Water Quality Regulations and LPDES Permit LA0097438.

II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, receiving and depositing or allowing the depositing of regulated solid waste of any kind at the facility or any other site that is not authorized to receive such waste, and to manage in accordance with the BMP.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the monitoring periods mentioned in Paragraph II.F of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

IV.

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
Attn: Brendan Marsh
Re: Enforcement Tracking No. MM-CN-19-00692
Agency Interest No. 43239

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. MM-CN-19-00692
Agency Interest No. 43239

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 (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.

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 Brendan Marsh at (225) 219-3372 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.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **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. 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 "**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.

V.

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

Baton Rouge, Louisiana, this 14th day of November, 2019.



Lourdes Iturralde
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: Brendan Marsh



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-19-00692	Contact Name	Brendan Marsh
Agency Interest (AI) No.	43239	Contact Phone No.	(225) 219-3372
Alternate ID No.	LA0097438		
Respondent:	Bayou Shrimp Processors, Inc.	Facility Name:	Bayou Shrimp Processors
	c/o Kory Echelard	Physical Location:	9818 J. Dooley Road
	Agent for Service of Process		
	107 Llansfair Drive	City, State, Zip:	Delcambre, Louisiana, 70528
Lafayette, LA 70503	Parish:	Iberville	

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER .		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER .		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:		

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 MM-CN-19-00692, 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 MM-CN-19-00692, 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 MM-CN-19-00692 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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: Brendan Marsh		