

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LA BROTHERS, L.L.C.

AI # 52326

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

\* Settlement Tracking No.  
\* SA-WE-22-0034  
\*  
\* Enforcement Tracking No.  
\* WE-CN-20-00807  
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SETTLEMENT

The following Settlement is hereby agreed to between LA Brothers, 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 sewage treatment plant located in Prairieville, Ascension Parish, Louisiana (“the Facility”).

II

On March 24, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-20-00807 (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 TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), of which Five Hundred Ten and 72/100 Dollars (\$510.72) 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 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 Ascension 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.

**LA BROTHERS, L.L.C.**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

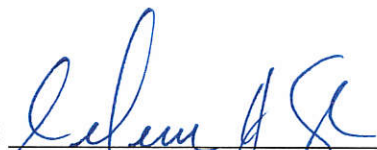
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Chuck Carr Brown, Ph.D., Secretary

BY: \_\_\_\_\_  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at Baton Rouge, Louisiana.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved:  \_\_\_\_\_  
Celena J. Cage, Assistant Secretary

# SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment  
and submit to:

Department of Environmental Quality  
Financial Services Division  
P. O. Box 4303  
Baton Rouge, Louisiana 70821-4303  
**Attn:** Accountant Administrator

Payment # \_\_\_\_\_

**Respondent: LA Brothers, L.L.C.**

**Settlement No: SA-WE-22-0034**

**Enforcement Tracking No(s): WE-CN-20-00807**

**Payment Amount: \$25,000.00**

**AI Number(s): 52326**

**Alternate ID No(s):**

**TEMPO Activity Number: ENF20210001**

**For Official Use Only.  
Do Not write in this Section.**

**Check Number:**

**Check Date:**

**Check Amount:**

**Received Date:**

**PIV Number:**

**PIV Date:**

**Stamp "Paid" in the box to the right  
and initial.**

**Route Completed form to:**

**Angela Marse, Administrator  
Enforcement Division**

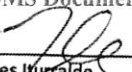
**And copy Amber G. Litchfield  
Legal Division**



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.
<b>NOTICE OF POTENTIAL PENALTY</b>	
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 Julie Huynh at 225-219-3105 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.
<b>CONTACTS AND SUBMITTAL OF INFORMATION</b>	
<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Julie Huynh	<b>Hearing Requests:</b> 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-20-00807 Agency Interest No. 52326
<b>Water Permits Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
<b>HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b>	
<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>○ Before requesting closure of the <b>COMPLIANCE ORDER</b> portion, 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.             <ul style="list-style-type: none"> <li>○ The Department assesses civil penalties based on LAC 33:i.Subpart1.Chapter7.</li> <li>○ 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.</li> <li>○ The settlement offer amount may be entered on the attached "<b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b>" form. The Respondent must include a justification of the offer.</li> <li>○ <b>DO NOT</b> 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.</li> <li>○ Before requesting closure of the <b>NOTICE OF POTENTIAL PENALTY</b> portion, 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> </ul>	

If you have questions or need more information, you may contact Julie Huynh at 225-219-3105 or [julie.huynh@la.gov](mailto:julie.huynh@la.gov).




  
\_\_\_\_\_  
Lourdes Ibarra  
Assistant Secretary  
Office of Environmental Compliance

Date: 3-24-2024

ecc: Public Health Chief Engineer  
Office of Public Health  
Department of Health and Hospitals

Attachment(s)

- Table 1. Permit effluent exceedances

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-20-00807	Agency Interest (AI) No. 52326	Contact Name Julie Huynh	Contact Phone No. 225-219-3105	
Alternate ID No. LAG540949	<b>Respondent:</b>			
LA Brothers, LLC	c/o Mehdi Valiollahi	Facility Name: LA Brothers Oak Grove Plaza	Physical Location: 17188 Airline Hwy	
Agent for Service of Process	2312 Laurel Lakes Ave	City, State, Zip: Prairieville, LA 70809	Parish: Ascension	
Baton Rouge, LA 70820				
<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 II of the "Order" portion of the <b>COMPLIANCE ORDER</b> .				
All necessary documents were submitted to the Department within 30 days of receipt of the <b>COMPLIANCE ORDER</b> in accordance with Paragraph III 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>				
_____	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.			
_____	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY</b> (WE-CN-20-00807), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
_____	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY</b> (WE-CN-20-00807), 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- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul> The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY</b> (WE-CN-20-00807) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
<b>CERTIFICATION STATEMENT</b>				
<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>				
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 Post Office Box 4312 Baton Rouge, LA 70821 Attn: Julie Huynh				

If you have questions or need more information, you may contact Julie Huynh at 225-219-3105 or julie.huynh@la.gov.

**Table 1. Permit effluent exceedances- LA BROS LLC--LAG540949**

MP End Date	Outfall	Parameter	Limit	Limit Units	DMR Value	DMR Units
06/30/2017	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	.6	
06/30/2017	001-Q	Solids, total suspended --- MO AVG	15	mg/L	73	
06/30/2017	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	73	
06/30/2017	001-Q	Nitrogen, ammonia total [as N] --- MO AVG	2	mg/L	2.22	
06/30/2017	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	
06/30/2017	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	
06/30/2017	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	>83.1	
06/30/2017	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	>83.1	
09/30/2017	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	.51	mg/L
09/30/2017	001-Q	Solids, total suspended --- MO AVG	15	mg/L	640	mg/L
09/30/2017	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	640	mg/L
09/30/2017	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	67.2	mg/L
09/30/2017	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	67.2	mg/L
12/31/2017	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	2.79	mg/L
12/31/2017	001-Q	Solids, total suspended --- MO AVG	15	mg/L	107	mg/L
12/31/2017	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	107	mg/L
12/31/2017	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
12/31/2017	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
03/31/2018	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	2.94	mg/L
03/31/2018	001-Q	Solids, total suspended --- MO AVG	15	mg/L	142	mg/L
03/31/2018	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	142	mg/L
03/31/2018	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
03/31/2018	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
03/31/2018	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	30.5	mg/L
03/31/2018	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	30.5	mg/L
06/30/2018	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	2.54	mg/L
06/30/2018	001-Q	Solids, total suspended --- MO AVG	15	mg/L	198	mg/L
06/30/2018	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	198	mg/L
06/30/2018	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
06/30/2018	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
06/30/2018	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	>85.5	mg/L
06/30/2018	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	>85.5	mg/L
09/30/2018	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	.93	mg/L
09/30/2018	001-Q	Solids, total suspended --- MO AVG	15	mg/L	28.7	mg/L
09/30/2018	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	28.7	mg/L
09/30/2018	001-Q	Nitrogen, ammonia total [as N] --- MO AVG	2	mg/L	11.5	mg/L

09/30/2018	001-Q	Nitrogen, ammonia total [as N] --- DAILY MX	4	mg/L	11.5	mg/L
09/30/2018	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
09/30/2018	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
09/30/2018	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	>88.1	mg/L
09/30/2018	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	>88.1	mg/L
12/31/2018	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	230	#/100mL
03/31/2019	001-Q	Solids, total suspended --- MO AVG	15	mg/L	192	mg/L
03/31/2019	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	192	mg/L
03/31/2019	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	17.6	mg/L
03/31/2019	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	17.6	mg/L
06/30/2019	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	4.39	mg/L
09/30/2019	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	1.76	mg/L
09/30/2019	001-Q	Nitrogen, ammonia total [as N] --- MO AVG	2	mg/L	7.5	mg/L
09/30/2019	001-Q	Nitrogen, ammonia total [as N] --- DAILY MX	4	mg/L	7.5	mg/L
09/30/2019	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
09/30/2019	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
12/31/2019	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	3.73	mg/L
12/31/2019	001-Q	Solids, total suspended --- MO AVG	15	mg/L	57	mg/L
12/31/2019	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	57	mg/L
12/31/2019	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
12/31/2019	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
12/31/2019	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	14	mg/L
03/31/2020	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	3.92	mg/L
03/31/2020	001-Q	Solids, total suspended --- MO AVG	15	mg/L	66.7	mg/L
03/31/2020	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	66.7	mg/L
03/31/2020	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	>2000	#/100mL
03/31/2020	001-Q	Coliform, fecal general --- DAILY MX	400	#/100mL	>2000	#/100mL
03/31/2020	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	19.8	mg/L
03/31/2020	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	19.8	mg/L
06/30/2020	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	4.01	mg/L
06/30/2020	001-Q	Coliform, fecal general --- MOAV GEO	200	#/100mL	260	#/100mL
09/30/2020	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	.65	mg/L
09/30/2020	001-Q	Solids, total suspended --- MO AVG	15	mg/L	97.5	mg/L
09/30/2020	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	97.5	mg/L
09/30/2020	001-Q	Nitrogen, ammonia total [as N] --- MO AVG	2	mg/L	23.6	mg/L
09/30/2020	001-Q	Nitrogen, ammonia total [as N] --- DAILY MX	4	mg/L	23.6	mg/L
09/30/2020	001-Q	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	mg/L	40.9	mg/L
09/30/2020	001-Q	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	mg/L	40.9	mg/L
12/31/2020	001-Q	Oxygen, dissolved [DO] --- MO AV MN	5	mg/L	3.02	mg/L

12/31/2020	001-Q	Solids, total suspended --- MO AVG	15	mg/L	248	mg/L
12/31/2020	001-Q	Solids, total suspended --- DAILY MX	23	mg/L	248	mg/L
12/31/2020	001-Q	Oil & Grease --- DAILY MX	15	mg/L	30.6	mg/L
12/31/2020	001-Q	Nitrogen, ammonia total [as N] --- MO AVG	2	mg/L	20	mg/L
12/31/2020	001-Q	Nitrogen, ammonia total [as N] --- DAILY MX	4	mg/L	20	mg/L

# 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 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000
MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

### Degree of Risk to Human Health or Property

**Major:** (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

**Moderate:** (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

**Minor:** (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

### Nature and Gravity of the Violation

**Major:** Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

**Moderate:** Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

**Minor:** Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

### The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
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 <a href="#">EDMS</a> using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements .....	<a href="#">Enforcement Division's website</a> specific examples can be provided upon request
Penalty Determination Method .....	<a href="#">LAC 33:1 Chapter 7</a>
Beneficial Environmental Projects .....	<a href="#">LAC 33:1 Chapter 25</a> <a href="#">FAQs</a>
Judicial Interest.....	<a href="#">provided by the Louisiana State Bar Association</a>

