STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:
* Settlement Tracking No.

* SA-WE-22-0034

LA BROTHERS, L.L.C.

* Enforcement Tracking No.

AI # 52326 * WE-CN-20-00807

*

PROCEEDINGS UNDER THE LOUISIANA *
ENVIRONMENTAL QUALITY ACT *

LA. R.S. 30:2001, <u>ET SEQ.</u>

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:
	BY:(Signature)
	(Printed)
	ΓΙΤLE:
	cate original before me this day of, at
	NOTARY PUBLIC (ID #)
	(stamped or printed)
	LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY Chuck Carr Brown, Ph.D., Secretary
J	Celena J. Cage, Assistant Secretary Office of Environmental Compliance
	cate original before me this day of at Baton Rouge, Louisiana.
	NOTARY PUBLIC (ID #)
Approved: Leven & C	(stamped or printed)
Celena J. Cage, Assistant Secretary	<u> </u>

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

Respondent: LA Brothers, L.L.C.

Settlement No: SA-WE-22-0034

Enfor	nforcement Tracking No(s): WE-CN-20-00807						
Paym	ayment Amount: \$25,000.00						
Al Nu	mber(s): 52326						
Alterr	nate ID No(s):						
TEMP	O Activity Number: ENF202	10001					
		l Use Only. n this Section.					
84	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						
-	Settlement Payment Form 08/31/10	EXHIBIT A					

Payment #____

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION POST OFFICE BOX 4312

I.

CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY



BATON ROUGE, LOUISIANA 70821-4312

BATON NOODE, LOUISIANA	70821-4312		LOUISIANA
Enforcement Tracking No.	WE-CN-20-00807	Certified Mail No.	7020 1810 0000 5261 0270
Agency Interest (AI) No.	52326	Contact Name	Julie Huynh
Alternate ID No.	LAG540949	Contact Phone No.	225-219-3105
Respondent:	LA Brothers, LLC	Facility Name:	LA Brothers Oak Grove Plaza
	c/o Mehdi Valiollahi	Physical Location:	17188 Airline Hwy
	Agent for Service of Process	- Injural Education:	17 100 All line nwy
	2312 Laurel Lakes Ave	City, State, Zip:	Prairieville, LA 70809
	Baton Rouge, LA 70820	Parish:	Ascension

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

The Respondent owns and/or operates a sewage treatment plant serving Oak Grove Plaza located at 17188 Airline Highway in Prairieville, Ascension Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG540949 effective on July 1, 2013. LPDES General Permit LAG540949 expired on June 30, 2018, but was administratively continued until it was reissued effective on August 1, 2018. LPDES General Permit LAG540949 will expire on July 31, 2023. Under the terms and conditions of LPDES General Permit LAG540949, the Respondent is permitted to discharge treated sanitwary wastewater into an unnamed ditch, thence into Welsh Gully, thence into Bayou Manchac, all waters of the state. As of January 1, 2013, the Respondent was automatically authorized under the Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000. Permit LAJ660000 expired on January 31, 2015, but has been administratively continued.

	administratively co	ntinued.
	Date of Violation	Description of Violation
II.	File Review 3/19/2021	The Respondent failed to comply with LPDES LAG540949. Specifically, a review of Discharge Monitoring Reports (DMRs) between June 2017 through December 2020 revealed that the Respondent reported exceedances of permit effluent limitations for DO, TSS, oil & grease, N, fecal coliform, and BOD (See Table 1). LAG540949 (Part I, Section B. Effluent Limitations and Monitoring Requirements, and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
III.	File Review 3/19/2021	The Respondent failed to submit annual Sewage Sludge and Biosolids Use or Disposal Reporting Forms for years 2017, 2018, and 2019. (LAJ660000 (Part II, Section C and Part I, Section A.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.7313.A.2)
IV.	File Review 3/19/2021	The Respondent failed to sample the effluent from Outfall 001-Q as required by LPDES Permit LAG540949. Specifically, a review of Discharge Monitoring Reports (DMRs) between June 2017 through December 2020 revealed that for the monitoring period of June 2018, samples for Nitrogen and Phosphorus were not taken. LAG540949 (Part I, Section B. Effluent Limitations and Monitoring Requirements, and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

ORDER

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

- To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
- To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER. This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.
- To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, Sewage Sludge and Biosolids Use or Disposal Routing Form for Sewage Sludge Pumped Out or Removed from a Sanitary Wastewater Treatment works and Sold, Given Away, and/or Hauled Off-Site annual reports for years 2017, 2018, and 2019 as outlined in Paragraph III of the "Findings of Fact" portion of this Order.

RIGHT TO APPEAL

- 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.

 The request for an adjudicatory hearing shall specify the creating as falls and the COMPLIANCE or a specific start of the COMPLIANCE or a specific start of the COMPLIANCE or a specific start of the COMPLIANCE or a specific start or a specific start or of the COMPLIANCE or a specific start or of the COMPLIANCE or a specific start or of the COMPLIANCE or
- 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 left-hand corner of the first page of this document and should be directed to the address specified in this document.

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's (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 enforce	ment action unless the request for hearing is timely filed. Failure to timely			
IV.	request a rearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of leaves				
	_ section 2030.4 of the Act for the violation(s) described	nerein			
	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			
٧.	The state of the s	In from contesting the findings of facts in any other and			
	addressing the same violation(s), although the Respon	dent is estopped from objecting to this COMPLIANCE ORDER becoming a			
	permanent part of its compilative history.				
VI.	Civil penalties of not more than thirty-two thousand fiv	e hundred dollars (\$32,500) may be assessed for each day of violation. The			
	respondents failure of refusal to comply with this COM	APLIANCE ORDER and the provisions boroin will subject the Decision			
	possible emorcement procedures under La. R.S. 30:2025	o. Which could result in the assessment of a civil nonalty in an array			
1/11	_ more than my thousand dollars (\$50,000) for each day	of continued violation or noncompliance			
VII.	For each violation described herein, the Department re	eserves the right to seek civil penalties in any manner allowed by law, and			
	Trotting recent shall be construed to preclude the right	to seek such penalties.			
		POTENTIAL PENALTY			
ı.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notif	ied that the issuance of a penalty assessment is being considered for the			
	violation(s) described nei ein. Written comments may be	e filed regarding the violation(s) and the contemplated construction			
	to submit comments, it is requested that they be submit	tted within ten (10) days of receipt of this notice			
11.	Prior to the issuance of additional appropriate enforcen	nent action(s) you may request a meeting with the Deport			
	any intigating circumstances concerning the violation(s	i). If you would like to have such a meeting please contact tulic though a			
	223-213-3103 within ten (10) days of receipt of this NO	IICE OF POTENTIAL PENALTY			
Ш.	The Department is required by La. R.S. 30:2025(E)(3)(a) to	o consider the gross revenues of the Respondent and the monetary benefits			
	or noncompliance to determine whether a penalty v	VIII be assessed and the amount of such nonalty. Please famount at			
	Respondent's most current annual gross revenue statem	ient along with a statement of the monetary benefits of personalisans (
	the cited violation(s) to the above named contact person	On Within ten (10) days of receipt of this NOTICE OF POTENTIAL BENIALTY			
	include with your statement or monetary benefits the n	nethod(s) you utilized to arrive at the sum. If you assert that an expense			
	benefits have been gained, you are to fully justify that	statement. If the Respondent chooses not to submit the requested			
	current armual 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 maximu	m penalty as outlined in La. R.S. 30-2025			
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF	F POTENTIAL PENALTY is effective upon receipt.			
	CONTACTS AND SU	BMITTAL OF INFORMATION			
	ement Division:	Hearing Requests:			
Louisi	ana Department of Environmental Quality	Department of Environmental Quality			
Office	of Environmental Compliance	Office of the Secretary			
Wate	r Enforcement Division	Post Office Box 4302			
Post (Office Box 4312	Baton Rouge, Louisiana 70821-4302			
	Rouge, LA 70821	Attn: Hearings Clerk, Legal Division			
Attn:	Julie Huynh	Re: Enforcement Tracking No. WE-CN-20-00807			
		Agency Interest No. 52326			
Nate	Permits Division (if necessary):	Physical Address (if hand delivered):			
Depa	rtment of Environmental Quality				
Offic	e of Environmental Services	Department of Environmental Quality			
	Office Box 4313	602 N Fifth Street			
Bato	n Rouge, LA 70821-4313	Baton Rouge, LA 70802			
Attn:	Water Permits Division				
	HOW TO DECURET CLOSURE OF				
		HIS CONSOLIDATED COMPLIANCE ORDER			
To	a NUTICE OF	POTENTIAL PENALTY			
se	t forth in the "Right to Appeal" portion of this CONSOLIDA	OTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines ATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY.			
To	request closure of the COMPLIANCE ORDER	o Pornandont must describe the second			
th	is COMPLIANCE ORDER by completing the attached "CO	e Respondent must demonstrate compliance with the "Order" portion of			
R	QUEST TO CLOSE" form and returning it to the address sp	NSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY			
in C	Refore requesting closure of the coastillance	Decined.			
	3865 or email them at DEO MANAGE and a let	ORDER portion, please contact the Financial Services Division at 225-219- ervices@la.gov to determine if you owe outstanding fees.			
	2002 of citial dielit at _DEG-MAMALIJaucial26	ervices@ia.gov to determine if you owe outstanding fees.			

- To expedite closure of the 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 Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
 - o The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - 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.
 - o Before requesting closure of the NOTICE OF POTENTIAL PENALTY portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

CONOPP FORM 1

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

Page 2

LDEQ-EDMS Document 12628291, Page 3 of 9

Lourdes Hurralde **Assistant Secretary**

Office of Environmental Compliance

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

Attachment(s)

- Table 1. Permit effluent exceedances

LOUISIANA DEPARTMENT OF	ENVIRONMI	ENTAL QUALITY					
OFFICE OF ENVIRONMENTAL ENFORCEMENT DIVISION			vania de la composição de			/	
SOURCE COMPLIANCE ORDER &					(The state of the s	
POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE							DEO
Enforcement Tracking No.	WE-CN-20		T	Contact Name			LOUISIANA
Agency Interest (AI) No.	52326			Contact Phone No	_	Julie Huynh 225-219-3105	
Alternate ID No.	LAG540949	9	+	ontact i fione ivi	-	223-219-3105	
Respondent:	LA Brother		F	acility Name:		LA Brothers Oak G	rove Plaza
	c/o Mehdi			hysical Location	:	17188 Airline Hwy	
		Service of Process	+				
		ge, LA 70820	-	ity, State, Zip: arish:		Prairieville, LA 708	09
	1	STATEMENT OF				Ascension	
	STATEMENT	T OF COMPLIANCE					
A written report was submitte COMPLIANCE ORDER.	d in accordan	nce with Paragraph II of the			the	Date Completed	Copy Attached?
All necessary documents were COMPLIANCE ORDER in according COMPLIANCE ORDER.	ordance with	n Paragraph III of the "(Orde	er" portion of t	the		
All items in the "Findings of Fa the facility is being operated to of the COMPLIANCE ORDER. F	meet and m	naintain the requirements i	we of th	re addressed and ne "Order" portio	en n		
		SETTLEMENT OF	FER	(OPTIONAL)	L	***************************************	
		(check the app	licat	le option)			
The Respondent is no Department has the r	t interested i ight to assess	in entering into settlemen s civil penalties based on L	t ne	gotiations with the state of th	he Depa	ortment with the u	nderstanding that the
In order to resolve a Respondent is interes discuss settlement pro	iteu in enter	civil penalties for the vio ing into settlement negoti	latio	ns in NOTICE O	F POTE	NTIAL PENALTY (V t and would like to	VE-CN-20-00807), the set up a meeting to
Monetary com Beneficial Envir DO NOT SUBMI Respondent of	which soment = commental Property Commental Prope	civil penalties for the vio entering into settleme shall include LDEQ enforce oject (BEP)component (op OF THE OFFER WITH THIS F or the offer is or is not accept existing the properties of the open existing the penalties of the	mer tion ORI oted	negotiations with costs and any risk all all all all all all all all all al	nt will re	e Department a ry benefit of non-co	and offers to pay ompliance.
Justinication of its one	and a descr	iption of any BEPs if includ			er.	***************************************	
certify under provisions in	louisiana au						
I certify, under provisions in information and belief formed are true, accurate, and comple other facility I own or operate.	te. I also cer	able inquiry, the statemer tify that I do not owe outs	its a stan	nd information o dina fees or pen	attachei alties ta	d and the complian	nce statement above,
Respondent's Signatu	re	Respondent's Pri	nte	d Name		Responden	t's Title
Responde	nt's Physical	Address	•	Responde	ent's Ph	one#	Date
ouisiana Department of Enviro Office of Environmental Compli Inforcement Division	nmental Qua	IMPLETED DOCUMEN		O THE ADDRE	33 BEL		
Post Office Box 4312 Baton Rouge, LA 70821							
Attn: Julia Humah							

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	Permit	effluent exceedances- LA BROS LLC	LAG5	+0343		DMR
Date	Outfall	Parameter	Limit	Limit Units	DMR Value	STRUCTURE TO SHEET AND ADDRESS OF
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 12/31/2020	001-Q 001-Q	BOD, carbonaceous [5 day, 20 C] DAILY MX Oxygen, dissolved [DO] MO AV MN	15 5	mg/L mg/L	40.9 3.02	mg/L 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



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.

	NATUR	RE AND GRAVIT	Y OF THE VIOLATION	
		MAJOR	MODERATE	MINOR
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	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	\$5,000 to \$3,000
	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;
- 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.





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

Penalty Event Total = Penalty Event Minimum + (Adjustment Percentage x [Penalty Event Maximum - 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?

V	HERE CAN I FIND EXAMPLES AND MORE INFORMATION.	
	Settlement Offers	
	Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
	Penalty Determination Method	. LAC 33:I Chapter 7
	Beneficial Environmental Projects	FAOs
	Judicial Interest	provided by the Louisiana State Bar Association

