STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No. SA-WE-24-0013**
HOUSE OF RAEFORD FARMS OF LOUISIANA, L.L.C.	*	
AI # 25163	*	**Enforcement Tracking No. WE-CN-21-00152B**
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between House of Raeford Farms of Louisiana, 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 poultry processing facility located in Arcadia, Bienville Parish, Louisiana ("the Facility").

II

On August 2, 2022, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00152B (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 THIRTY-FIVE THOUSAND AND NO/100 DOLLARS ($35,000.00), of which Three Thousand Six Hundred Seventeen and 71/100 Dollars ($3,617.71) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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 Amended Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, 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.

XI

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Bienville Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

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.

HOUSE OF RAEFORD FARMS OF LOUISIANA, 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
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, 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: _____
Jerrie "Jerry" Lang, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

Enforcement Tracking No.	WE-CN-21-00152B	**Certified Mail No.**	7005 0390 0006 1028 1459
Agency Interest (AI) No.	25163	**Contact Name**	Scott B. Pierce
Alternate ID No.	LA0002844	**Contact Phone No.**	(225) 219-3723
Respondent:	**House of Raeford Farms of Louisiana, L.L.C.**	**Facility Name:**	Arcadia Processing Plant
	c/o Randall L. Wilmore Agent for Service of Process	**Physical Location:**	3867 Second St.
	2001 McCarthur Dr. Alexandria, LA 71301	**City, State, Zip:** **Parish:**	Arcadia, LA 71001 Bienville

This **AMENDED 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). This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** replaces **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-21-00152A** issued on January 14, 2022, in its entirety.

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.

I.	The Respondent owns and/or operates a poultry processing facility located at 3867 Second St., Arcadia, Bienville Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0002844 on June 30, 2010, with an effective date of August 1, 2010, and expiration date of July 31, 2015. The Respondent submitted a renewal application on or about January 29, 2015, and LPDES Permit LA0002844 was administratively continued until it was reissued on April 25, 2016, with an effective date of June 1, 2016, and an expiration date of May 31, 2021. The Respondent submitted a renewal application on or about November 23, 2020, and LPDES Permit LA0002844 has been administratively continued. Under the terms and conditions of LPDES Permit LA0002844, the Respondent is permitted to discharge treated process wastewater, clean-up area effluent, refrigeration condenser overflow, boiler blowdown, truck washwater, chicken cage washwater, wood pallet washwater, and first flush stormwater runoff into local drainage, thence into Brinson Creek, thence into Black Lake, all waters of the state.	
II.	The Respondent was issued CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY (CONOPP) WE-CN-13-00771 on or about November 26, 2013, which was amended as CONOPP WE-CN-13-00771A on or about May 22, 2014, which was amended as CONOPP WE-CN-13-00771B on or about November 14, 2014, which was amended as CONOPP WE-CN-13-00771C on or about May 26, 2015. The CONOPP cited the following violations: effluent exceedances reported during the monitoring periods between March 2012 and March 2015, a failure to sample, and a failure to submit a DMR in a timely manner. The Order required the Respondent to achieve and maintain compliance with Water Quality regulations and conditions contained in LPDES Permit LA0002844, submit a written report, and to comply with the approved schedule for the construction of an anoxic basin associated with the improvement of effluent limitation compliance. CONOPP WE-CN-13-00771C is a final action of the Department. On or about April 20, 2017, the Respondent met with the Department to discuss the CONOPP and status of the anoxic basin project. During the meeting, the Respondent stated that significant progress had been made in connection with the exceedances, specifically noting that the anoxic basin project was completed on June 2, 2016, and that effluent limitations were met for the June 2016 monitoring period and that there had not been a toxicity exceedance since June 2016. A file review conducted by the Department on or about April 7, 2021, revealed that the Respondent continued to exceed permit effluent limitations. On or about November 29, 2021, the Respondent proposed to the Department a compliance schedule for construction of upgrades at the treatment system in order to achieve full compliance with the effluent limits established in LPDES Permit LA0002844. On or about June 8, 2022, the Respondent requested to amend the compliance schedule due to vender equipment backorder delays.	
	Date of Violation	**Description of Violation**
III.	**Inspection(s) & File Review 7/28/2015 4/7/2021 12/8/2021 6/13/2022**	The Respondent failed to comply with LPDES Permit LA0002844. Specifically, a review of Discharge Monitoring Reports (DMRs) between April 2015 and June 2022, revealed that the Respondent reported exceedances of permit effluent limitations for Total nitrogen, Whole effluent toxicity (WET), Total dissolved solids, Ammonia/total nitrogen, Fecal coliform, Total suspended solids, and Carbonaceous biological oxygen demand **(See Attachment "A")**. [Prior to June 1, 2016: LPDES Permit LA0002844, (Part I, pgs. 2-5 of 5; Part II, Section L.1.d; and Part III, Section A.2); After June 1, 2016: LPDES Permit LA0002844 (Effluent Limits and Monitoring Requirements, pgs. 1 & 2 of 6; Other Conditions, Section I.1.d; and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D]
IV.	**Inspection(s) & File Review 7/28/2015 4/7/2021 6/13/2022**	The Respondent failed to comply with LPDES Permit LA0002844. Specifically, a review of records between April 2015 and April 2022, revealed that the Respondent failed to report and/or sample the effluent for specified parameters at Outfall 001 on a weekly, monthly or quarterly basis **(See Attachment "B")**. [Prior to June 1, 2016: LPDES Permit LA0002844, (Part I, pgs. 2-5 of 5; Part II, Sections J, M.5, and N; and Part III, Sections A.2 and D.4); After June 1, 2016: LPDES Permit LA0002844 (Effluent Limits and Monitoring Requirements, pgs. 1 - 3 of 6; Other Conditions, Sections I.2.d and 3; and Standard Conditions, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.L.4, and LAC 33:IX.501.A]
V.	**Inspection(s) & File Review 12/7/2020 4/7/2021 6/13/2022**	The Respondent failed to comply with LPDES Permit LA0002844. Specifically, the Respondent failed to submit accurate/complete DMRs for the October and November 2020 monitoring periods. Specifically, the Respondent reported an instantaneous minimum limitation value of 6.2 and 6.3 standard units (S.U.) on each respective DMR; however, data collected from daily logs for measurements at Outfall 001 by the Department during the inspection indicated that the Respondent did not report the lowest pH value sampled and did not report each additional pH sample conducted that exceeded the instantaneous minimum limitation of 6 standard unit (S.U.) via a separate non-compliance report (NCR) accompanying the DMR as required by the permit. The Respondent's data is as follows:

EXHIBIT 1 labbies

		<table><tr><th>Date</th><th>pH Results (S.U.)</th></tr><tr><td>10/1/2020</td><td>5.8</td></tr><tr><td>10/8/2020</td><td>5.8</td></tr><tr><td>10/9/2020</td><td>5.9</td></tr><tr><td>10/13/2020</td><td>5.8</td></tr><tr><td>11/1/2020</td><td>5.4</td></tr><tr><td>11/3/2020</td><td>5.6</td></tr><tr><td>11/9/2020</td><td>5.8</td></tr><tr><td>11/22/2020</td><td>5.4</td></tr><tr><td>11/29/2020</td><td>5.8</td></tr><tr><td>11/30/2020</td><td>5.6</td></tr></table> [LPDES Permit LA0002844 (Effluent Limits and Monitoring Requirements, pgs. 1 & 2 of 6; and Standard Conditions, Sections A.2 and D.4 and 7), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.L.4, and LAC 33:IX.2701.L.7] On or about February 24, 2022, the Respondent re-submitted the October and November 2020 DMRs, reflecting the correct lowest values of pH for these monitoring periods; however, the Respondent still has not submitted the required supplemental NCRs.

ORDER

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

I.	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.
II.	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.
III.	The Respondent shall accomplish the tasks contained in **Attachment "C"** and comply with the schedule of activities associated with the construction of upgrades at the treatment system referenced in the Respondent's letter submitted to the Department on or about June 8, 2022.
IV.	The Respondent shall submit progress reports to the Enforcement Division following each calendar quarter until the completion of the aforementioned schedule. The Respondent shall submit each progress report within fifteen (15) days following the end of the calendar quarter. The first progress report is due by the 15th day of the month following the end of the quarter in which this **COMPLIANCE ORDER** is recieved. Additionally, if an activity cannot be completed by the due date specified in the schedule, the Respondent shall submit a certification of non-compliance to the Department within fifteen (15) days after the scheduled due date. If the Respondent reports non-compliance with a scheduled event, the certification shall include a discussion of the cause of the delay, an anticipated date of completion, and a discussion of any impairment of a subsequent due date. Upon completion of all scheduled events, the Respondent shall submit a final certification stating that all activities have been achieved.

RIGHT TO APPEAL

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 left-hand corner of the first page of this document and should be directed to the address specified in this document.
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'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 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 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 Scott B. Pierce at (225) 219-3723 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 may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY** portion but no later than ninety (90) days of achieving compliance with the **COMPLIANCE ORDER** portion. 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.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division:	***Hearing Requests:***
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 **Attn: Scott B. Pierce**	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-21-00152B** **Agency Interest No. 25163**
Water Permits Division (if necessary):	***Physical Address (if hand delivered):***
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 **Attn: Water Permits Division**	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- To appeal the **AMENDED CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY,** the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **AMENDED CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY.**

- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **AMENDED COMPLIANCE ORDER** by completing the attached **"AMENDED CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE"** form and returning it to the address specified.
    - Before requesting closure of this **COMPLIANCE ORDER** 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.

- 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.
    - 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 **"AMENDED 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.
    - 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.

If you have questions or need more information, you may contact Scott B. Pierce at (225) 219-3723 or scott.pierce@la.gov.

Celena J. Cage

Celena J. Cage
Assistant Secretary
Office of Environmental Compliance

Date: August 2, 2022

cc: House of Raeford Farms
c/o Jeremy Paul
P. O. Box 707
Arcadia, LA 71001

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

Attachment(s)
- Request to Close
- Attachments "A", "B" and "C"
- Settlement Brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE

Enforcement Tracking No.	WE-CN-21-00152B	**Contact Name**	Scott B. Pierce
Agency Interest (AI) No.	25163	**Contact Phone No.**	(225) 219-3723
Alternate ID No.	LA0002844		
Respondent:	**House of Raeford Farms of Louisiana, L.L.C.**	**Facility Name:**	Arcadia Processing Plant
	c/o Randall L. Wilmore	**Physical Location:**	3867 Second St.
	Agent for Service of Process		
	2001 McCarthur Dr.	**City, State, Zip:**	Arcadia, LA 71001
	Alexandria, LA 71301	**Parish:**	Bienville

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the **AMENDED COMPLIANCE ORDER.**		
Completed all construction activities associated with the Arcadia Processing Plant Treatment System necessary to achieve full compliance with LPDES Permit LA0002844 effluent limits 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)

____	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:I.Subpart1.Chapter7.
____	In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY** WE-CN-21-00152A, 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 **NOTICE OF POTENTIAL PENALTY** WE-CN-21-00152A, 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. • 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.*
	The Respondent has reviewed the violations noted in **NOTICE OF POTENTIAL PENALTY** WE-CN-21-00152A and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	**Respondent's Printed Name**	**Respondent's Title**

Respondent's Physical Address	**Respondent's Phone #**	**Date**

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821
Attn: Scott B. Pierce

If you have questions or need more information, you may contact Scott B. Pierce at (225) 219-3723 or scott.pierce@la.gov.

ATTACHMENT "A"

HOUSE OF RAEFORD FARMS OF LA - LA0002844

Effluent Limitation Exceedances

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
04/30/2015	001-A	Nitrogen, total [as N] --- MO AVG	103	119	mg/L
04/30/2015	001-A	Nitrogen, total [as N] --- DAILY MX	147	153	mg/L
04/30/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1438	mg/L
04/30/2015	001-PI	Whole effluent toxicity --- MO AV MN	94	75	%
04/30/2015	001-PI	Whole effluent toxicity --- 7 DA MIN	94	75	%
05/31/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1130	mg/L
06/30/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1001	mg/L
06/30/2015	001-PI	Whole effluent toxicity --- MO AV MN	94	53	%
06/30/2015	001-PI	Whole effluent toxicity --- 7 DA MIN	94	53	%
07/31/2015	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	6.98	mg/L
07/31/2015	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	11	mg/L
07/31/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1251	mg/L
07/31/2015	001-PI	Whole effluent toxicity --- MO AV MN	94	0	%
07/31/2015	001-PI	Whole effluent toxicity --- 7 DA MIN	94	0	%
08/31/2015	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	6.59	mg/L
08/31/2015	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	8.27	mg/L
08/31/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1124	mg/L
08/31/2015	001-CE	Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia --- MO AV MN	Report	1	pass=0;fail=1
08/31/2015	001-CE	Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia --- 7 DA MIN	Report	1	pass=0;fail=1
08/31/2015	001-PI	Whole effluent toxicity --- MO AV MN	94	75	%
08/31/2015	001-PI	Whole effluent toxicity --- 7 DA MIN	94	75	%
09/30/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1320	mg/L
09/30/2015	001-PI	Whole effluent toxicity --- MO AV MN	94	30	%
09/30/2015	001-PI	Whole effluent toxicity --- 7 DA MIN	94	30	%
10/31/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1212	mg/L
11/30/2015	001-A	Nitrogen, total [as N] --- MO AVG	103	118	mg/L
11/30/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1197	mg/L
12/31/2015	001-A	Nitrogen, total [as N] --- DAILY MX	147	175	mg/L
12/31/2015	001-A	Solids, total dissolved [TDS] --- MO AVG	832	959	mg/L
12/31/2015	001-PI	Whole effluent toxicity --- MO AV MN	94	30	%
12/31/2015	001-PI	Whole effluent toxicity --- 7 DA MIN	94	30	%
01/31/2016	001-A	Solids, total dissolved [TDS] --- MO AVG	832	1084	mg/L
01/31/2016	001-A	Coliform, fecal general --- WKAV GEO	400	2400	#/100mL
01/31/2016	001-PI	Whole effluent toxicity --- MO AV MN	94	70	%
01/31/2016	001-PI	Whole effluent toxicity --- 7 DA MIN	94	70	%
02/29/2016	001-A	Solids, total dissolved [TDS] --- MO AVG	832	983	mg/L
03/31/2016	001-PI	Whole effluent toxicity --- MO AV MN	94	40	%
03/31/2016	001-PI	Whole effluent toxicity --- 7 DA MIN	94	40	%
04/30/2016	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	5.09	mg/L
04/30/2016	001-A	Solids, total dissolved [TDS] --- MO AVG	832	916	mg/L
04/30/2016	001-PI	Whole effluent toxicity --- MO AV MN	94	30	%
04/30/2016	001-PI	Whole effluent toxicity --- 7 DA MIN	94	30	%
05/31/2016	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	4.06	mg/L
05/31/2016	001-PI	Whole effluent toxicity --- MO AV MN	94	0	%

05/31/2016	001-PI	Whole effluent toxicity --- 7 DA MIN	94	0	%
11/30/2016	001-A	Coliform, fecal general --- MOAV GEO	200	4800	#/100mL
11/30/2016	001-A	Coliform, fecal general --- WKAV GEO	400	4800	#/100mL
12/31/2016	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	5.7	mg/L
06/30/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	5.98	mg/L
06/30/2017	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	0	%
06/30/2017	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	0	%
06/30/2017	001-CE	Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia --- MO AV MN	Report	1	pass=0;fail=1
06/30/2017	001-CE	Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia --- 7 DA MIN	Report	1	pass=0;fail=1
06/30/2017	001-CE	Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Ceriodaphnia dubia --- MO AV MN	Report	1	pass=0;fail=1
06/30/2017	001-CE	Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Ceriodaphnia dubia --- 7 DA MIN	Report	1	pass=0;fail=1
06/30/2017	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- 7 DA MIN	94	0	%
06/30/2017	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- MO AV MN	94	0	%
08/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	4.54	mg/L
12/31/2017	001-A	Solids, total suspended --- DAILY MX	30	36.4	mg/L
03/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	5.59	mg/L
03/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	9.82	mg/L
03/31/2018	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	0	%
03/31/2018	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	0	%
03/31/2018	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- 7 DA MIN	94	0	%
03/31/2018	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- MO AV MN	94	0	%
05/31/2018	001-A	Solids, total suspended --- MO AVG	20	21.6	mg/L
05/31/2018	001-A	Solids, total suspended --- DAILY MX	30	40.5	mg/L
06/30/2018	001-A	Solids, total suspended --- DAILY MX	30	41.6	mg/L
06/30/2018	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	53	%
06/30/2018	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	53	%
09/30/2018	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	53	%
09/30/2018	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	53	%
12/31/2018	001-A	Coliform, fecal general --- MOAV GEO	200	484	#/100mL
12/31/2018	001-A	Coliform, fecal general --- WKAV GEO	400	484	#/100mL
01/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	8.31	mg/L
01/31/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	17.9	mg/L
02/28/2019	001-A	Solids, total suspended --- MO AVG	20	23.4	mg/L
02/28/2019	001-A	Solids, total suspended --- DAILY MX	30	39.6	mg/L
02/28/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	8.23	mg/L
02/28/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	14.1	mg/L
03/31/2019	001-A	Solids, total suspended --- MO AVG	20	32.3	mg/L
03/31/2019	001-A	Solids, total suspended --- DAILY MX	30	36.2	mg/L
03/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	14.2	mg/L
03/31/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	28.2	mg/L
11/30/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	4.96	mg/L
12/31/2019	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	20	32.6	mg/L
05/31/2020	001-A	Nitrogen, total [as N] --- MO AVG	103	105	mg/L
05/31/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	27.2	mg/L

05/31/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	79.5	mg/L
05/31/2020	001-A	Coliform, fecal general --- MOAV GEO	200	312	#/100mL
06/30/2020	001-A	Solids, total dissolved [TDS] --- MO AVG	7074	8793	lb/CFS/d
08/31/2020	001-A	Coliform, fecal general --- MOAV GEO	200	532	#/100mL
08/31/2020	001-A	Coliform, fecal general --- WKAV GEO	400	532	#/100mL
10/31/2020	001-A	pH, instantaneous minimum	6.0	5.8	SU
10/01/2020	001-A	pH, instantaneous minimum	6.0	5.8	SU
10/08/2020	001-A	pH, instantaneous minimum*	6.0	5.8	SU
10/09/2020	001-A	pH, instantaneous minimum*	6.0	5.8	SU
11/30/2020	001-A	pH, instantaneous minimum	6.0	5.4	SU
11/01/2020	001-A	pH, instantaneous minimum*	6.0	5.8	SU
11/03/2020	001-A	pH, instantaneous minimum*	6.0	5.8	SU
11/09/2020	001-A	pH, instantaneous minimum*	6.0	5.4	SU
11/22/2020	001-A	pH, instantaneous minimum*	6.0	5.8	SU
11/29/2020	001-A	pH, instantaneous minimum*	6.0	5.8	SU
11/30/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	8.68	mg/L
11/30/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	24.7	mg/L
12/31/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	22.6	mg/L
12/31/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	39.3	mg/L
12/31/2020	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	30	%
12/31/2020	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	30	%
12/31/2020	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- 7 DA MIN	94	40	%
12/31/2020	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- MO AV MN	94	40	%
01/31/2021	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4	4.22	mg/L
01/31/2021	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	8	11.8	mg/L
02/28/2021	001-A	Coliform, fecal general --- MOAV GEO	200	472	#/100mL
02/28/2021	001-A	Coliform, fecal general --- WKAV GEO	400	472	#/100mL
03/31/2021	001-A	Solids, total suspended --- MO AVG	20	27.4	mg/L
03/31/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	0	%
03/31/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	0	%
03/31/2021	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- 7 DA MIN	94	0	%
03/31/2021	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- MO AV MN	94	0	%
06/30/2021	001-A	Solids, total suspended --- DAILY MX	30	31.6	mg/L
06/30/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	53	%
06/30/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	53	%
08/31/2021	001-A	Solids, total dissolved [TDS] --- MO AVG	7074	9351	lb/CFS/d
09/30/2021	001-A	Solids, total dissolved [TDS] --- MO AVG	7074	19442	lb/CFS/d
09/30/2021	001-A	Solids, total dissolved [TDS] --- DAILY MX	16835	34502	lb/CFS/d
09/30/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN	94	30	%
09/30/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN	94	30	%
12/31/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN **	94	0	%
12/31/2021	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN **	94	0	%
03/31/2022	001-A	Nitrogen, ammonia total [as N] --- DAILY MX **	8	10.4	mg/L
03/31/2022	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- 7 DA MIN **	94	53	%
03/31/2022	001-CE	Whole Effluent Toxicity [WET] - C. dubia --- MO AV MN **	94	53	%

04/30/2022	001-A	Nitrogen, ammonia total [as N] — DAILY MX **	8	10.1	mg/L
04/30/2022	001-A	Coliform, fecal general — MOAV GEO **	200	248	#/100mL
06/30/2022	001-CE	Whole Effluent Toxicity [WET] - C. dubia — 7 DA MIN **	94	53	%
06/30/2022	001-CE	Whole Effluent Toxicity [WET] - C. dubia — MO AV MN **	94	53	%

* per lab data reviewed during inspection
** Occurred while under previous compliance schedule

ATTACHMENT "B"

HOUSE OF RAEFORD FARMS OF LA - LA0002844

Failure to Sample and/or Report

MP End Date	Outfall	Parameter
05/31/2015	001-A	Coliform, fecal general --- MOAV GEO
05/31/2015	001-A	Coliform, fecal general --- WKAV GEO
06/30/2016	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- 7 DA MIN
06/30/2016	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- MO AV MN
02/28/2017	001-A	Coliform, fecal general --- MOAV GEO
02/28/2017	001-A	Coliform, fecal general --- WKAV GEO
03/31/2017	001-A	Coliform, fecal general --- MOAV GEO
03/31/2017	001-A	Coliform, fecal general --- WKAV GEO
09/30/2017	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- 7 DA MIN
09/30/2017	001-PI	Whole Effluent Toxicity [WET] - P. promelas --- MO AV MN
09/30/2017	001-PI	Pass/Fail Statre 7Day Chronic Pimephales Promelas --- MO AV MN
09/30/2017	001-PI	Pass/Fail Statre 7Day Chronic Pimephales Promelas --- 7 DA MIN
09/30/2017	001-PI	Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Pimephales promelas --- MO AV MN
09/30/2017	001-PI	Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Pimephales promelas --- 7 DA MIN
09/30/2017	001-PI	NOEC Lethal Static Renewal 7 Day Chronic Pimephales promelas --- MO AV MN
09/30/2017	001-PI	NOEC Lethal Static Renewal 7 Day Chronic Pimephales promelas --- 7 DA MIN
09/30/2017	001-PI	NOEC Sub-Lethal Static Renewal 7 Day Chronic Pimephales promelas --- MO AV MN
09/30/2017	001-PI	NOEC Sub-Lethal Static Renewal 7 Day Chronic Pimephales promelas --- 7 DA MIN
09/30/2017	001-PI	Coef Of Var Statre 7Day Chronic Pimephales --- MO AV MN
09/30/2017	001-PI	Coef Of Var Statre 7Day Chronic Pimephales --- 7 DA MIN
05/31/2018	001-A	Coliform, fecal general --- MOAV GEO
05/31/2018	001-A	Coliform, fecal general --- WKAV GEO
09/30/2019	001-A	Coliform, fecal general --- MOAV GEO
09/30/2019	001-A	Coliform, fecal general --- WKAV GEO
04/30/2020	001-A	Coliform, fecal general --- WKAV GEO
04/30/2020	001-A	Coliform, fecal general --- MOAV GEO

ATTACHMENT "C"

House of Raeford Farms of Louisiana, LLC

Arcadia Processing Plant Treatment Upgrade Project

Includes the following:

- **One Gorman Rupp T6 Return Activated Sludge Pump and 6" return pipe to return activated sludge from final clarifier to Anoxic Basin**
- **Three Gorman Rupp T* Recycle Pumps to recycle from Aeration Basin to Anoxic Basin**
- **One Gorman Rupp T6 Filter Feed Pump and two Parkson DynaSand Filters to filter effluent from final clarifier**
- **Flow meters to measure flow pumped from Anaerobic Lagoon to Anoxic Basin and returned activated sludge pumped from final clarifier to Anoxic Basin**
- **A 16" flow meter for the Anoxic recycle water and a 4" flow meter for the waste activated sludge**
- **Probes that will read influent TSS to the Anoxic and temperature, pH, TSS, DO, and Oxidation-Reduction Potential in the Aeration Basin**

Milestone	Completion Date
Begin construction	Completed
Complete construction	October 31, 2022
Commence startup and optimization	December 31, 2022
Achieve full permit compliance with the effluent limits of LPDES Permit LA0002844	April 30, 2023

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:I.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.

DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR 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	$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;
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.

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?

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