STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-WE-25-0029
MOSAIC FERTILIZER, LLC	*	
	*	Enforcement Tracking No.
AI # 2425	*	WE-CN-22-00885
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEO.	*	

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Mosaic Fertilizer, LLC ("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, <u>et seq.</u> ("the Act").

Ι

Respondent is a limited liability company that owns and/or operates a phosphatic and nitrogenous fertilizer manufacturing facility located in St. James, St. James Parish, Louisiana ("the Facility").

Π

On March 23, 2023, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-22-00885 (Exhibit 1).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$5,200.00), of which One Thousand Fourteen and 56/100 Dollars (\$1,014.56) 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).

IV

V

Respondent further agrees that the Department may consider the permit record(s), the 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.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. James 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.

Х

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. 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.

4

MOSAIC FERTILIZER, LLC

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

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

SA-WE-25-0029

	OF ENVIRONMENTA						
	CEMENT DIVISION	CONSOLIDATED	COMPLIANCE ORDER &				
	NTICE BOX 4312 ROUGE, LOUISIANA	NOTICE OF PO	DTENTIAL PENALTY	DEQ			
	ment Tracking No.	WE-CN-22-00885	Certified Mail No.	7021 2720 0002 7447 2162			
	Interest (AI) No.	2425	Contact Name	Kevin Foy			
	té ID No.	LA0029769	Contact Phone No.	(225) 219-3485			
tespon	dent:	Mosaic Fartilizer, LLC	Facility Name:	Faustina Plant			
		c/o C T Corporation	Physical Location:	9959 LA Hwy 18			
		Agent for Service of Process					
		3867 Plaza Tower Dr.	City, State, Zip:	St. James, LA 70086			
hie CO		Baton Rouge, LA 70816	Parish:	St. James			
articuli 2010	erly by La. R.S. 30:20	106 the soundry granted by the L 25(C), 30:2050.2 and 30:2050.3(8).	ouisiana Environmental Quality	Act (the Act), La. R.S. 30:2001, et seq., an			
n outh	orized representative	of the Department inspected the al	overnentioned facility or condu	cted a file review of the facility to determin			
	the of combinence as	ui reguiations promulaatea in the .	Lõülsiona Administrativa Cada	Title 33. The State regulatory citations fo			
he violo	A SALIDA MELICINCO COL	and the inspection and/or the review	N art indicated below.				
	The Respondent of	wits and/or operates a phosphatic a	nd nitrogenous fertilizer manuf	facturing facility located at 9959 LA Hwy 11			
	And services are territ	ra ratian, Louisiana. The Responde	ent was issued Louisiana Poliui	tant Niccharge Elimination Suntane (Lance			
I.	1 - CONT PMONT3103	on september 10, 2016, with an e	Ifective date of November 1 2	016 and an evolution date of Detabas a			
	administratively cr	intinued. Under the terms and a	non on or about March 4,	2021 and LPDES Permit LA0029769 wa 0029769, the Respondent is permitted t			
	discharge from Fin	al Outfalls 001 and 002 into the Mid	sissioni River (Subsemment 070	1301) and from Final Outfalls 006, 007, 00			
	and 009 into Bayou	Verret (Subsegment 020101), all w	raters of the state.	1301) and from Final Outrails 006, 007, 008			
	Date of Violation		Description of Violatio	n			
	File Review	The Respondent failed to comp	oly with LPDES Permit 14002	9769 Specifically a review of Direbus			
	3/20/2023	I munimum Reports (DIMRS) SUDD	nitted for monitoring periods i	Setween October 2021 and February 202			
H.		Monitoring Reports (DMRs) submitted for monitoring periods between October 2021 and February 2023 revealed that the Respondent reported exceedances of permit effluent limitations for Fecal Coliform,					
		Anthropide Nitrogen, pH range excursions and COD, as shown in Table 1. (LA0029769 (Part L. Pages 2.12 of 12)					
	File Review	and Part IS, Section A.2), La. R.S.	30:2076(A)(3), and LAC 33:1X.50	1.A)			
	3/20/2023	Permit I A0029769 Specifically th	documents to the Department	t in a timely manner as required by LPDE:			
		phosoporous discharged from Ou	tfall 002 with DMPs - Kas the	bmit monthly summary reports for the tota bonths of January 2022 through Septembe			
		2022, the submitted summary res	oorts only listed the daily mase	discharge of total phosphorous for a single			
		any ouring each monthly monitor	ing period instead of for each da	Field instead of for each day as required by LEDES Permit LANDORS			
		monitoring, for the monitoring	periods of October 2022 and I	November 2022, the Respondent failed to			
m.		Additionally, for the monitoring periods of October 2022 and November 2022, the Respondent failed to submit reports of total phosphorous discharged from Outfall 002 with DMRs. The Respondent also failed to					
		a summer the annual total calculated phosphorous discharged from Outfall 002 for the year of 2022 with the					
		December 2022 DMR, as required	by LPDES Permit LA0029769. (L	PDES Permit I A0029759 (Part II: Section II			
- 1		Faith, Section V, and Part III, Section A.2], La. R.S. 30:2076(A)(3), and LAC 33-IV 2701 A). Corrected monthly					
		summaries were submitted to the Department on January 24, 2023 on resubmitted DMRs. The annual total calculated phosphorous discharge was submitted to the Department on February 3, 2023 on a resubmitted					
		DMR.	was submitted to the Departm	ient on February 3, 2023 on a resubmitted			
	File Review		v with LPDES Permit LADO207	69. Specifically, the Respondent failed to			
1	3/20/2023	annum ranke i shumara success	i with annual DMR reports fr	of historicity tests of both Danhaia and			
. IV		LUNE hours sheries for TOTS II 9 f	imply manner (LA00202CO (n.	rt II. Contion V A blanct Dark III. Continue & at			
ıv.			whent monities, (nenoxa/oa [69]				
IV.		re no outuro(A)(3), and LAC 33	IIX.2701.AI Table 1 summary s	heets for historicity tests of hoth Danhala			
IV.		and Pimephales species for the y	IIX.2701.AI Table 1 summary s	heets for biotoxicity tests of both Danbals			
IV.	tile Dautaur	and Pimephales species for the y resubmitted DMRs.	ear of 2022 were submitted to	heets for biotoxicity tests of both Daphnia the Department on February 3, 2023 on			
IV.	File Review 3/20/2023	and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph	siD.2701.AJ Table 1 summary si ear of 2022 were submitted to with LPDES Permit LA00297/	heets for biotoxicity tests of both Daphnia the Department on February 3, 2023 on			
	file Review 3/20/2023	and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann	EIX.2701.A) Table 1 summary si ear of 2022 were submitted to with LPDES Permit LA002970 ual Discharge Monitoring Repo	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 on 59. Specifically, the Respondent failed to t (DMR) for Daphnia pulse whole official			
IV. V.		and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann toxicity testing for the year of 2022	EIX.2701.A) Table 1 summary si ear of 2022 were submitted to with LPDES Permit LA00297(ual Discharge Monitoring Repo 2. The Respondent renorted a p	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 on 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent			
		and Pimephales species for the y resubmitted DMRs. The Respondent failed to complete submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corresp	EX.2701.A) Table 1 summary si ear of 2022 were submitted to y with LPDES Permit LA00297/ ual Discharge Monitoring Repo 2. The Respondent reported a v pond with a supporting docume	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 on 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent ralue of 0.0 for the Coefficient of Variation, the attached to the DMR. (4 0020 50 June			
		and Pimephales species for the y resubmitted DMRs. The Respondent failed to complete submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corresp 1, Pages 2-12 of 12, Part II, Secti	SIX.2701.A) Table 1 summary si ear of 2022 were submitted to y with LPDES Permit LA00297/ ual Discharge Monitoring Repo 2. The Respondent reported a v pond with a supporting docume on X.4.b.il.C. and Part III. Sect	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 on 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent ralue of 0.0 for the Coefficient of Variation, ent attached to the DMR. (LA0029769 (Part Jon A.2) Jan B.5. 30:2075(A)(3), and Jac			
		and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corress I, Pages 2-12 of 12, Part II, Secti 33:1X.2701.L.4.a) A corrected DMR	EDC.2701.A) Table 1 summary si ear of 2022 were submitted to with LPDES Permit LA002970 ual Discharge Monitoring Repo 2. The Respondent reported a w pond with a supporting docume on X.4.b.II.C, and Part III, Sect Was submitted to the Departm	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 or 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent ralue of 0.0 for the Coefficient of Variation, ent attached to the DMR. (LA0029769 (Part ion A.2) is a 8.5.30:2076(A)(3) and is a			
V.	3/20/2023	and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corresp I, Pages 2-12 of 12, Part II, Secti 33:IX.2701.L.4.a) A corrected DMR	CRL2701.A) Table 1 summary size of 2022 were submitted to with LPDES Permit LA002970 ual Discharge Monitoring Reported a violation of the supporting docume on X.4.b.il.C, and Part III, Sect was submitted to the Departmon SAPER	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 on 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent ralue of 0.0 for the Coefficient of Variation, net attached to the DMR. (LA0029769 (Part ion A.2), La. R.S. 30:2076(A)(3), and LAC tent on February 3, 2023.			
V.	3/20/2023	and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corress I, Pages 2-12 of 12, Part II, Secti 33:IX.2701.L.4.a) A corrected DMR espondent is hereby ordered to con	FIX.2701.A) Table 1 summary si ear of 2022 were submitted to y with LPDES Permit LA002970 ual Discharge Monitoring Repo 2. The Respondent reported a y pond with a supporting docume on X.4.b.ii.C, and Part III, Sect Was submitted to the Departm ORDER	heets for biotoxicity tests of both Daphnia b the Department on February 3, 2023 on 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent ralue of 0.0 for the Coefficient of Variation, not attached to the DMR. (LA0029769 (Part ion A.2), La. R.S. 30:2076(A)(3), and LAC tent on February 3, 2023.			
V.	3/20/2023 the foregoing, the R To take, immediate	and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corress l, Pages 2-12 of 12, Part II, Secti 33:IX.2701.L.4.a) A corrected DMR sepondent is hereby ordered to con Y upon receipt of this COMPLIANC	EX.2701.A) Table 1 summary si ear of 2022 were submitted to y with LPDES Permit LA002970 ual Discharge Monitoring Repo 2. The Respondent reported a y pond with a supporting docume on X.4.b.ii.C, and Part III, Sect t was submitted to the Departm ORDER mply with the requirements th	heets for biotoxicity tests of both Daphnia o the Department on February 3, 2023 or 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluent value of 0.0 for the Coefficient of Variation, net attached to the DMR. (LA0029769 (Part ion A.2), La. R.S. 30:2076(A)(3), and LAC tent on February 3, 2023.			
v. sed on	3/20/2023 the foregoing, the R To take, immediate	and Pimephales species for the y resubmitted DMRs. The Respondent failed to comph submit an accurate/complete ann toxicity testing for the year of 2022 however, this value did not corress l, Pages 2-12 of 12, Part II, Secti 33:IX.2701.L.4.a) A corrected DMR sepondent is hereby ordered to con y upon receipt of this COMPLIANC lifty Regulations. This shall include	EX.2701.A) Table 1 summary si ear of 2022 were submitted to y with LPDES Permit LA002970 ual Discharge Monitoring Repo 2. The Respondent reported a y pond with a supporting docume on X.4.b.ii.C, and Part III, Sect t was submitted to the Departm ORDER mply with the requirements th	heets for biotoxicity tests of both Daphni b the Department on February 3, 2023 or 59. Specifically, the Respondent failed to rt (DMR) for Daphnia pulex whole effluen ralue of 0.0 for the Coefficient of Variation mit attached to the DMR. (LA0029769 (Pari tion A.2), La. R.S. 30:2076(A)(3), and LAC tent on February 3, 2023.			

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.



WE-CN-22-00885

In deal brefly describe the basis for the request. This request should reference the Enforcement Tracking Number and & interest Number, which are located in the upper left-hand comer of the first page of this document and should be directed to address peerified in this document. If this document is the sepondent Simple file of the disputed issue of material fact or of law regarding COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the ALI. Administrative Law's (DAL) Proceeding human and the Division of Administrative Law's (DAL) Proceeding human and opportunity for the preparation of a defense for the hearing. This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely field. Failure to the section J200.4 title At for the violation[0] described herein. The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing or COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is the scheduler of the wideling of law is a subsequent penalty and section J200.4 title At for the violation[0] described herein. The Respondent's failure to request a hearing or to file an appeal or the Respondent from conjecting to this COMPLIANCE ORDER become perimant part of its complex with this COMPLIANCE ORDER and in any subsequent penalty and deressing the same violation[3] although the Respondent from conjecting to this COMPLIANCE ORDER become perimants failure or fraital to complex with this COMPLIANCE ORDER and the provisions herein will subject the Responder particles failure or traital to complex with this COMPLIANCE ORDER and any subsequent penalty and perimant and orders fraital to complex with this COMPLIANCE ORDER and by of violation Respondent's failure or traital to complex with this COMPLIANCE ORDER and by violation (a) and the contemplated penalty. For the set wishes and all conserves the region the t	M.S.		IGNT TO APPEAL			
I. ODDB: This right may be sericled by filing a written request with the Secretary no later than thirty (30) days after receipt of COMPLIANCE ODDB. Any other Second	:1:%(#>					
IL and Anal bielty describe the basis for the request. This request should reference the Enforcement Tracking Number, which ge focated in the upper left-hand corner of the first page of this document and should be directed in adjects specified in this document. The thering shall be governed by the Act adjects specified in this document. The hearing, after providing sufficient notice an opportunity for the preparation of a defense for the hearing. This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing a file file. Failure to the section 2050.4 of the Act for the violation(s) described herein. The Respondent's file to request a hearing on to file an apparent of the violation(s) described herein. The Respondent's file to request a hearing on to file an apparent of the source of material fact on the violation(s) described herein. The Respondent's file to request a hearing on to file an apparent of the Source of material fact on the violation(s) described herein. The Respondent's file to request a hearing on to file an apparent of the source of material fact on the violation(s) athough the Respondent from contesting to this COMPLIANCE ONDER shall not preclude the Respondent from contesting to this COMPLIANCE ONDER has a viber out the source of material fact on the sepondent's file to request a hearing on a 2025, which could result the assessment of a chill penalty in an amount to more than fifty thousand dollars (550,000) for each dy of continued violation or noncompliance. NOTICE OF POTENTIAL PENALTY IL for each violation described heardy, or write or material act on the spondent's with the Quest respondent's filter or radiust to previous may be fild congraphic penalty. The segmenter to previous the regist to each system of the spondent's filter or radiust to previous may be fild congraphic to a child penalty file and the concernent previous under a file. 30, 2025, which conditions on anoncompliance with the spondent's filter or radiust to previous may be fild congraphic busit	le L	ORDER. This right may be exercised by filing a writte				
Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law userarding COMPLIANCE ORDER have scheduled by the Secretary of the Department. The hearing shall be governed by the AK. III. Administrative Procedure Art (La. RS. 49:50, et sec), and the Division of Administrative arrow (DAI) proceedure Art (La. RS. 49:50, et sec), and the Division of Administrative providing sufficient notice an opportunity for the preparation of a defense for the hearing. This COMPLIANCE ORDER have built become a final enforcement action unless the request for hearing is limely field. Failure to the section 2004 of the Att for the violation(s) described herein. Section 2004 of the Att for the violation(s) described herein. The Respondent's failure to request a hearing on to file an appeal or the Respondent's withdrawal of a request for hearing or Section 2004 of the Att for the violation(s) described herein. U. ComPLANCE ORDER hearing is a merit violation (hearing or facts) in any subsequerity provide a defensing the same violation(s), althrough the Respondent's failure to request a hearing or refuses in a the provident hearing the information or refuses in the respondent's failure to request a hearing or refuses to near the hearing or refuses in a solution (s), althrough the Respondent for contribution (s) althrough the Respondent's with a solution (s) and control or the Respondent's with respondent is a solution or noncompliance. IV. ComPLANCE ORDER hearing the Respondent is a solution (s) in a mount of merits is a solution (s) in a mount of merits in any manner allowed by law, no thing hearing hearing is a solution (s) in a solution (s) in a mount of merits is any mereases in a meeting, in any manner allowed by law, no t	ŧI.	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				
This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely price. Failure to to request a hearing or a disputed issue of material fact or of law use section 2050.4 of the Act for the violation(s) described herein. The Respondent's fullors to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing or COMPLIANCE ORDER had not preclude the Respondent from contesting the findings of facts in any subsequent penalty and permanent part of its compliance history. VIC COMPLEANCE ORDER shall be composition of the Respondent from contesting the the provisions herein will subject the Responder from contesting the the provisions herein will subject the Responder possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount o more than firty thous and doilars (550,001 for each dy of continued violation on nancompliance. //II. For each violation described herein, the Department reserves the right to seek such penalules. NOTICE OF POTENTIAL PENALTY 1. Pursuant to La. R.S. 30:2050.3(8), you are hereby notified that the issuance of a penalty assessment is being considered for violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplate penalty. If you to submit to take, such penalules. 1. Pursuant to La. R.S. 30:2050.3(8), you are hereby notified that the issuance of a penalty assessment is being considered for violation(s) described herein. Written comments may be filed regarding the violation(s) in the oute. 1.1 Porsuant to La. R.S. 30:2050.3(8), you are hereby notified that the issuance of a penalty assessement is beeapt the violation(111.	Upon the Respondent's timely filing a request for a f COMPLIANCE ORDER may be scheduled by the Se Administrative Procedure Act (La. R.S. 49:950, et Department may amend or supplement this COMP	ecretary of the Department. The hearing shall be governed by the Act, the seq.), and the Division of Administrative Law's (DAL) Procedural Rules. The PLIANCE ORDER prior to the hearing, after providing sufficient notice and a			
V. COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent pensity as a addressing the same volation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER Decom permanent part of its compliance history. V. Coli penalties of not more than hitry-two housand five hundred dollars (\$32,500) may be assessed for each day of violation Respondent's failure or relaxiant to carbo with this COMPLIANCE ORDER and the provisions herein will subject the Responde possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a cull penalty in an amount o more than fifty thousand dollars (\$550,000) for each day of continued violation or noncompliance. III. For each violation described herein, the Department reserves the right to seek such penalties. NOTICE OF POTENTIAL PENALTY I. Pursuant to La. R.S. 30:2050.3(8), you are hereby notified that the issuance of a penalty assessment is being considered for violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you to submit comments, it is required by the web submitted within ten (10) days of receipt of this notice. III. Prior to the sissance of additional appropriate enforcement action(s), you may request a meeting, please contact Kevin fr (225) 213-3485 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. III. The Department is required by La. K.S. 30:2025(K)[a] to consider the gross revenues of the amount of such penalty. Please forward Respondent's most current annual gross revenue statement. If the Respondent thas the amount by utilized to arrive at the sum. If you such that no mone paneliss for monetary beer of noncompliane to determine whether a penalty will be every do the Department to submit the regonder thoses not to submit the requested current annual gross revenues statement along with a statement of the monetary beerfield of whethere the segonder thas be applaned (you are to full	ν.	request a hearing constitutes a waiver of the Respo	ondent's right to a hearing on a disputed issue of material fact or of law under			
VI. Civil penalties of not more than thirry-two thousand five hundred dollars (322,500) may be assessed for each day of violation Respondent's failure or relusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Responde possible enforcement procedures under La R.S. 30:2025, which could result in the assessment of a civil penalty in an amount to more than fifty thousand dollars (550,000) for each day of continued violation or noncompliance. II. For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, nothing herein shall be construed to preclude the right to seek civil penalty assessment is being considered for violation(5) described herein, the Department reserves the right to seek civil penalty assessment is being considered for violation(5) described herein, the comments may be filed regarding the violation(6). I. Pursuant to La. R.S. 30:2050.3(8), you are hereby notified that the issuance of a penalty assessment is being considered for violation(5) described herein, the comments may be filed regarding the violation(6). I. Priors to the issuance of additional appropriate enforcement action(4), you may request a meeting, with the Department to regurn any mitigating chromstances concerning the violation(5). If you would like to have such a meeting, please contact Kevin Fr any mitigating chromstances concerning the violation(6) you may request a meeting, violation there of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward Respondent's most current annual gross revenue statement of the monetary benefits on noncompliant the cited violation(5) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY (CONTEC OF POTENTIAL	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 thi COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty actio addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming				
Inching 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(8), you are hereby notified that the issuance of a penalty assessment is being considered for violation(s) describe herein. Written comments may be fild regaring the violation(s) and the contemplated penalty. If you to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice. III. Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting, please contact Kevin Fi (225) 213-3485 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. III. The Department is required by La. R.S. 30:2025(F)(3)(3) to consider the gross revenues of the Respondent and the monocmpliant the dired violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. III. The Department is required by La. R.S. 30:2025(F)(3)(3) to consider the gross revenues of the Respondent and the monocmpliant the dired violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. III. The Department assess viol penalties based on LAC 31:Subpart1. The herepondent thoses not to submit the requested current annual gross revenues statement within the (10) days of receipt of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violati described herein. The Respondent may offer a settlement amount to resolve any claim for civil penalties for the violati described herein. The Respondent may submit the settlement is at the discr		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 no				
I. Pursuant to La. R.S. 30:2050.3(8), you are hereby notified that the issuance of a penalty assessment is being considered for violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you 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, please contact Kevin F (1252) 219-3485 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 ber of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward respondent's most current annual gross revenue statement along with a statement of the mometary benefits for noncompliance to fully usity that statement. If the Respondent chooses not to submit the requested current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission tha Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025. IV. The Department assess civil penalties based on LG 2331:SubpartII. Chapter 7. Despedite closure of this NOTICE OF POTENTIAL PENALTY porton, the Respondent may offer a settlement amount to resolve any claim for viol penalties for the violati described herein. The Respondent may offer a settlement offer within one hundred and eighty (180) days of receipt of NOTICE OF POTENTIAL PENALTY PORTON. Th	VII.					
Violation(s) described herein. Written comments may be fild regarding the violation(s) and the contemplated penalty. If you to submit comments, it is required 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 prior any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kevin Fr (225) 219-3485 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. III. The Department is required by La. R.S. 30:2025([3)(a) to consider the gross revenues of the Respondent and the mometary bere of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward Respondent's most current annual gross revenue statement along with a statement of the monetary berefits of noncompliance to fully justify that statement of the monetary berefits of noncompliance to fully justify that statement. If the Respondent chooses not to submit the requested current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission tha Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025. IV. The Department assesses civil penaltites based on LC 33:15:Ubgat1. Chapter?. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount, but the Oberatiment is under no obligation to enter settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQ TO CLOSE" form. The Respondent may submit the settlement of environmental Quality Otice		· · · · · · · · · · · · · · · · · · ·	<u>建筑和新闻的新闻的新闻和新闻的新闻的新闻,新闻的</u> 的新闻的新闻的新闻的新闻的新闻的新闻的新闻的新闻的新闻的新闻的新闻的			
II. Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to profen yn mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kevin F (125) 219-3485 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 berefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward Respondent's most current annual gross revenues tatement along with a statement of the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY induce with your statement of monetary benefits of noncompliance to available the requested current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission tha Respondent may offer a settlement amount to resolve any claim for civil penalties for the violati described herein. The Respondent may offer a settlement amount, but the Department. The settlement amount, but the Department. The settlement amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQ TO CLOSE" form. The Respondent may offer a settlement than intery (90) days of achieving compliance with the COMPLIANCE OF POTENTIAL PENALTY REQ TO CLOSE" form. The Respondent on otify the Respondent as own whether the offer is or is not accepted. V. The Department assesses civil penalties based on other offer within one hundred and eighty (180) days of receipt O NOTICE OF POTENTIAL PENALTY REQ To FORENTIAL PENALTY R	1.	violation(s) described herein. Written comments m	ay be filed regarding the violation(s) and the contemplated penalty. If you ele			
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 ber of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncomplianc the didd violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENAL Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no mone benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission tha Respondent may offer a settlement amount to resolve any claim for civil penalties for the violati described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter settlement negotiations. The decision to proceed with a settlement is at the discriber of the Department. The settlement amount but the coperative settlement amount, but the Department. The settlement amount put the statement (50) days of achieving compliance with the COMPLIANCE OF POTENTIAL PENALTY REQ TO CLOSE" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt on NOTICE OF POTENTIAL PENALTY POTION the offer amount with the form Department of Environmental Quality Department of Environmental Quality Department of Environmental Quality Department of Environmental Quality Department of Environmental Quality	ii.	Prior to the issuance of additional appropriate enfo any mitigating circumstances concerning the violat	rcement action(s), you may request a meeting with the Department to prese ion(s). If you would like to have such a meeting, please contact Kevin Foy			
IV. The Department assesses civil penalties based on LAC 33:I. Subpart1. Chapter7. To expedite closure of this NOTICE OF POTEN PENALTY portion, the Respondent may offer a settlement amount, but the Department is under no obligation to enter settlement negotiations. The Respondent may offer a settlement is at the discretion of the Department. The settlement amount, but the Department is under no obligation to enter settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement amount, may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQ TO CLOSE* form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt to NOTICE OF POTENTIAL PENALTY portion but no later than ninety (90) days of achieving compliance with the COMPLIANCE OI portion. The Respondent must include a justification of the offer. DO NOT submit payment of the offer amount with the form 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 Inforcement Division Post Office of Environmental Quality Office of the Secretary Vater Enforcement Division Post Office Box 4312 Daton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Departme	1384	of noncompliance to determine whether a penal Respondent's most current annual gross revenue sta the cited violation(s) to the above named contact p include with your statement of monetary benefits to benefits have been gained, you are to fully justify current annual gross revenues statement within t	ity will be assessed and the amount of such penalty. Please forward the atement along with a statement of the monetary benefits of noncompliance for person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALT the method(s) you utilized to arrive at the sum. If you assert that no moneta that statement. If the Respondent chooses not to submit the requested mo en (10) days, it will be viewed by the Department as an admission that the			
V. This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt. CONTACTS AND SUBMITTAL OF INFORMATION inforcement Division: Hearing Requests: Louisiana Department of Environmental Quality Department of Environmental Quality Office of Environmental Compliance Office of the Secretary Water Enforcement Division Post Office Box 4302 Baton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Physical Address (if hand delivered): Department of Environmental Quality Operatment of Environmental Quality Office of Environmental Quality Department Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Physical Address (if hand delivered): Department of Environmental Quality Department of Environmental Quality Office of Environmental Services Department of Environmental Quality Operatment of Environmental Services Department of Environmental Quality Office Box 4313 Baton Rouge, LA 70802	IV.	The Department assesses civil penalties based on L PENALTY portion, the Respondent may offer a se described herein. The Respondent may offer a s settlement negotiations. The decision to proceed v amount may be entered on the attached "CONSOL TO CLOSE" form. The Respondent may submit the NOTICE OF POTENTIAL PENALTY portion but no late portion. The Respondent must include a justification	AC 33:I. Subpart1. Chapter7. To expedite closure of this NOTICE OF POTENTIA attlement amount to resolve any claim for civil penalties for the violation ettlement amount, but the Department is under no obligation to enter in with a settlement is at the discretion of the Department. The settlement off IDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUE esttlement offer within one hundred and eighty (180) days of receipt of th er than ninety (90) days of achieving compliance with the COMPLIANCE ORDI n of the offer. DO NOT submit payment of the offer amount with the form. The			
Inforcement Division: Hearing Requests: .ouisiana Department of Environmental Quality Department of Environmental Quality Office of Environmental Compliance Office of the Secretary Vater Enforcement Division Post Office Box 4302 Post Office Box 4312 Baton Rouge, Louisiana 70821-4302 Baton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Attn: Kevin Foy Re: Enforcement Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Agency Interest No. 2425 Vater Permits Division (if necessary): Physical Address (if hand delivered): Department of Environmental Quality Operatment of Environmental Quality Office Box 4313 Baton Rouge, LA 70802	٧.	This CONSOLIDATED COMPLIANCE ORDER & NOTIO	CE OF POTENTIAL PENALTY is effective upon receipt.			
Louisiana Department of Environmental Quality Department of Environmental Quality Office of Environmental Compliance Office of the Secretary Vater Enforcement Division Post Office Box 4302 Post Office Box 4312 Baton Rouge, Louisiana 70821-4302 Baton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Attn: Kevin Foy Re: Enforcement Tracking No. WE-CN-22-00885 Vater Permits Division (if necessary): Physical Address (if hand delivered): Department of Environmental Quality Office of Environmental Quality Office of Environmental Services Department of Environmental Quality Post Office Box 4313 Baton Rouge, LA 70821-4313		CONTACTS AND	SUBMITTAL OF INFORMATION			
Louisiana Department of Environmental Quality Department of Environmental Quality Office of Environmental Compliance Office of the Secretary Water Enforcement Division Post Office Box 4302 Post Office Box 4312 Baton Rouge, Louisiana 70821-4302 Baton Rouge, LA 70821 Attr.: Hearings Clerk, Legal Division Attr.: Kevin Foy Re: Enforcement Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Agency Interest No. 2425 Vater Permits Division (if necessary): Physical Address (if hand delivered): Department of Environmental Quality Oepartment of Environmental Quality Office Box 4313 Department of Environmental Quality Office Box 4313 Baton Rouge, LA 70802	nford					
Water Enforcement Division Post Office Box 4302 Post Office Box 4312 Baton Rouge, Louislana 70821-4302 Baton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Attn: Kevin Foy Re: Enforcement Tracking No. WE-CN-22-00885 Attn: Kevin Foy Physical Address (if hand delivered): Department of Environmental Quality Department of Environmental Quality Office Box 4313 602 N Fifth Street Baton Rouge, LA 70821-4313 Baton Rouge, LA 70802			Department of Environmental Quality			
Post Office Box 4312 Baton Rouge, Louisiana 70821-4302 Baton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Attn: Kevin Foy Re: Enforcement Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Agency Interest No. 2425 Vater Permits Division (if necessary): Physical Address (if hand delivered): Department of Environmental Quality Department of Environmental Quality Office of Environmental Services Department of Environmental Quality Post Office Box 4313 602 N Fifth Street Baton Rouge, LA 70802 Baton Rouge, LA 70802						
Baton Rouge, LA 70821 Attn: Hearings Clerk, Legal Division Attn: Kevin Foy Re: Enforcement Tracking No. WE-CN-22-00885 Agency Interest No. 2425 Agency Interest No. 2425 Vater Permits Division (if necessary): Physical Address (if hand delivered): Department of Environmental Quality Department of Environmental Quality Office of Environmental Services Department of Environmental Quality Post Office Box 4313 602 N Fifth Street Baton Rouge, LA 70821-4313 Baton Rouge, LA 70802	Post Office Box 4312					
Agency Interest No. 2425 Vater Permits Division (if necessary): Physical Address (if hand delivered): Department of Environmental Quality Department of Environmental Quality Office of Environmental Services Department of Environmental Quality Post Office Box 4313 602 N Fifth Street Baton Rouge, LA 70821-4313 Baton Rouge, LA 70802	Baton Rouge, LA 70821		Attn: Hearings Clerk, Legal Division			
Department of Environmental Quality Department of Environmental Quality Office of Environmental Services Department of Environmental Quality Post Office Box 4313 602 N Fifth Street Baton Rouge, LA 70821-4313 Baton Rouge, LA 70802						
Office of Environmental Services Department of Environmental Quality Post Office Box 4313 602 N Fifth Street Baton Rouge, LA 70821-4313 Baton Rouge, LA 70802			Physical Address (if hand delivered):			
Post Office Box 4313 602 N Fifth Street Baton Rouge, LA 70821-4313 Baton Rouge, LA 70802			Department of Environmental Quality			
1			Baton Rouge, LA 70802			

LDEQ-EDMS Document 13744259, Page 3 of 7



- 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 Kevin Foy at (225) 219-3485 or Kevin Foy@la.gov.

Celena I. Cage

Office of Environmental Compliance

Date: 13/23/2023

Attachment(s)

Assistant Secretar

- Request to Close
- Table 1
- Settlement Brochure

LOUISIANA DEPARTMENT OF OFFICE OF ENVIRONMENTAL		TAL QUALITY			
ENFORCEMENT DIVISION					
				ļ	
POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY DEQ					
BATON ROUGE, LOUISIANA 7		REQUEST TO C	A Contraction of the contraction	Maria Barr	·····
Enforcement Tracking No. Agency Interest (AI) No.	WE-CN-22-0	0665	Contact Name Contact Phone No.	Kevin Foy (225) 219-3485	
Alternate ID No.	LÁ0029769		CONNECT PROME PRO-	(223) 213-3403	
Respondent:	Mosalc Ferti	ibár 11C	Facility Name:	Faustina Plant	
restriction and the	c/o CT Corp	· · · · · · · · · · · · · · · · · · ·	Physical Location:	9959 LA Hwy 18	· · · · · · · · · · · · · · · · · · ·
		rvice of Process			
	3867 Plaza T		City, State, Zip:	St. James, LA 70	086
	Baton Rouge		Parish:	St. James	
2 M 2 4 4 4 4 4 4		STATEMENT O	AND INAC	Sec. Bridge Pro	hedriche viel aus stat
	1			No. 1196 03 - 540	
		OF COMPLIANCE		Date Completed	Copy Attached?
A written report was submitte	ed in accordanc	e with Paragraph II of the	"Order" portion of the		
COMPLIANCE ORDER. All items in the "Findings of Fi				·	
the facility is being operated t	•				
of the COMPLIANCE ORDER.			wine wine horion		
$0.0.7.6 \le 0.0.2$			N - 67 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 -	23 ± 2.3 348	
Sector Sector Add	之外 的他们在44	SETTLEMENT OF	ERR (OPTICINAL)		17 - 18 - 18 - 18 - 18 - 18 - 18 - 18 -
		(check the app	licable option)		
	1	n entering into settlemen		•	e understanding that the
		civil penalties based on L civil penalties for the vio		•	
	any claim for o terested in o	civil penalties for the vic entering into settleme hall include LDEQ enforce	ent negotiations with	the Department	and offers to pay
Monetary con			Ś		
Beneficial Env	dronmental Pro	oject (BEP)component (oj	otional}= \$		
+ DO NOT SUBI	NIT PAYMENT (OF THE OFFER WITH THIS	FORM- the Department	will review the settle	ment offer and notify the
Responden	t as to whether	the offer is or is not acce	pted.		······
		violations noted in NOT option of any BEPs if inclu			885) and has attached a
		CERTIFICATIO			
CONTRACTOR OF THE OWNER					i ç Cul în în în în
I certify, under provisions is information and belief forme ore true, accurate, and comp other facility I awn or operat	d after reason lete. I also ceri	able inquiry, the stateme tify that I do not owe ou	nts and information off tstanding fees or penalt	ached and the comp les to the Departme	liance statement above nt for this facility or an
Respondent's Signa	turé	Respondent's P	rinted Name	Respon	dent's Title
Respondent's Physical Address Respondent's Phone # Date					
	MAIL CO	MPLETED DOCUME	NT TO THE ADDRESS	BELOW:	
Louisiana Department of Envi Office of Environmental Com Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821		ality			
Attn: Kevin Foy					

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.

. . . _.

Table 1: Permit Effluent Limit Exceedances

MP End Date	Outfall	Parameter	Limit DM	R Vatue I	Units
03/31/2022	501-Q	Coliform, fecal general MOAV GEO	200	275	
03/31/2022	501-Q	Coliform, fecal general — DAILY MX	400	540	#/100mL
06/30/2022	006-A	Nitrogen, ammonia total [as N] DAILY MX	10	22.5	mg/L
06/30/2022	501-Q	Coliform, fecal general — DAILY MX	400	550	#/100mL
09/30/2022	006-A	Nitrogen, ammonia total [as N] - DAILY MX	10	26.3	mg/L
11/30/2022	001-A	pH range excursions, > 60 minutes MO TOTAL	0	1	occur/mo
11/30/2022	007-A	Oxygen demand, chem. [high level] [COD] - DAILY MX	100	113	mg/L
02/28/2023	006-A	Nitrogen, ammonia total [as N] DAILY MX	10	86.5	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.

	NATURE AND GRAVITY OF THE VIOLATION			
		MAJOR	MODERATE	MINOR
DEGREE OF RISK OR MPAUT TO HUMAN HEALTHOR 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;
- 3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
- 4. whether the Respondent has failed to miligate or to make a reasonable attempt to miligate 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.



Louisiana Department of Environmental Quality • Office of Environmental Compliance • Enforcement Division Post Office Box 4312, Baton Rouge, Louisiana 70621-4312 Phone: 225 (219) 3715 Fax, 225 (219) 3708 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 33:1 Chapter 7
Beneficial Environmental Projects	
· · · · · · ·	FAQs
Judicial Interest	provided by the Louisiana State Bar Association



novo Montenes antenes al contra representa Posta PO • Vela Ω retra contra contra contra contra en contra en 1997 Montenes - Antenes Mark 1992 EVR estas Posta 1997 Montenes - Antenes Mark 2011 (1997 en contra contra contra contra contra contra contra contra contra contr