STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-14-0064**
C&M GATOR FARM, L.L.C.	*	
	*	**Enforcement Tracking No.**
AI # 185665	*	**WE-CN-13-00061**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between C&M Gator Farm, 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 an alligator farm located in Livingston Parish, Louisiana ("the Facility").

II

On April 2, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-13-00061**, which was based upon the following findings of fact:

The Respondent owns and/or operates an alligator farm located at 26192 Highway 42 in Holden, Livingston Parish, Louisiana. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or other authority to discharge wastewater to waters of the state.

A file review conducted on or about January 25, 2013, revealed that the Respondent did cause and/or allow the unauthorized discharge of process wastewater and sanitary wastewater to waters of the state. Specifically, the Department received a letter from the Respondent on or about January 9, 2013, self-disclosing that the facility is discharging wastewater to waters of the state without an LPDES permit or other authority to discharge. The Department received additional information from the Respondent on or about January 22, 2013, stating the Respondent is discharging wash down water and sanitary wastewater from Outfall 001 to local drainage, thence to Breed Branch, thence to the Blood River, thence to the Tickfaw River, all waters of the state. The unauthorized discharge of process and sanitary wastewater to waters of the state is a violation of La. R.S. 30:2075.

A file review conducted on or about January 25, 2013, revealed that the Respondent failed to submit an LPDES permit application. Specifically, at the time of the file review, the Department had not received a permit application from the Respondent. The failure to submit a permit application is a violation of La. R.S. 30:2076 (A) (3) and LAC 33:IX.501.A.

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 NINETY FOUR THOUSAND NINE HUNDRED EIGHTY-SEVEN AND 09/100 DOLLARS ($94,987.09), of which Three Hundred Forty-Nine and 63/100 Dollars ($349.63) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total

amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is

appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Livingston Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made on an installment basis as follows: 23 months at $3,957.80 each month and $3,957.69 due on the 24th month. The first installment payment is due within ten (10) days from notice of the Secretary's signature. Each subsequent payment is due on the first of the month each month until paid in full. If payment is not received according to the stated payment schedule, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Quality, Post Office Box 4303, Baton Rouge, Louisiana 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

C&M GATOR FARM, 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
Peggy M. Hatch Secretary

BY: _____

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: Peggy M. Hatch