

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**CORPRO, INC.
AI # 41136**

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

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* **Enforcement Tracking No.**
* **WE-P-03-0138**
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SETTLEMENT

The following Settlement is hereby agreed to between Corpro, Inc. (“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 corporation who operates a sewage treatment facility located at 5075 Iberville Street, Sunshine, Iberville Parish, Louisiana (“the Facility”).

II

On June 20, 2003, the Department issued a Penalty Assessment, Enforcement No. WE-P-03-0138, in the amount of \$6,100.59 to Respondent, which was based upon the following findings of fact:

The Respondent owns and/or operates a sewage treatment plant located at 5075 Iberville Street in Sunshine, Iberville Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG530000 on or about April 9, 1998, and was specifically assigned permit number LAG530143. Under the terms

and conditions of LPDES Permit LAG530143, the Respondent is authorized to discharge treated sanitary wastewater to a roadside ditch, thence into Bayou Paul, thence to Bayou Manchac, all waters of the state.

An inspection conducted by the Department on or about August 1, 2001, and a subsequent file review conducted on or about January 31, 2002, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs) as required by LPDES permit LAG530143 for the monitoring periods of 1998, 1999, 2000, and 2001. Each failure to submit DMRs is a violation of LPDES permit LAG530143 (Part I, Section C.6 and Part III, Sections A.2 and D.4) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.L.4, and LAC 33:IX.2767.A.5.

An inspection conducted by the Department on or about August 1, 2001, and a subsequent file review conducted on or about January 31, 2002, revealed the Respondent was not sampling its effluent as required by LPDES permit LAG530143. Specifically, the Respondent failed to conduct sampling for the monitoring periods of 1998, 1999, 2000, and 2001. Each failure to sample the effluent is a violation of LPDES permit LAG530143 (Part I, Section B; Part III, Sections A.2. and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.

An inspection conducted by employees of the Department on or about August 1, 2001, revealed the Respondent was not properly operating and maintaining its facility. Specifically, the Respondent did not have a means of obtaining proper samples of its effluent because the outfall pipe for the sewage treatment plant was buried. This is a violation of LPDES permit LAG530143

(Part I, Section C.3., Part III, Section A.2.), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC33:IX.2767.A.5.

The Respondent was issued Warning Letter WE-L-01-0773 on or about December 14, 2001, for areas of concerns noted during the inspection by the Department on or about August 1, 2001. The warning letter stated that the Respondent should take any and all steps to ensure compliance with all environmental regulations at the facility. The Respondent submitted a response to Warning Letter WE-L-01-0773 on or about February 20, 2002. In the letter, the Respondent stated that its sewage treatment facility was being repaired by an independent contractor.

The Respondent was issued Consolidated Compliance Order & Notice Of Potential Penalty WE-CN-01-0773 on or about May 23, 2002, for failing to submit DMRs, failing to sample its effluent, and failing to properly operate and maintain its facility. The Compliance Order portion of the Order required the Respondent:

- A) to immediately take any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permit LAG530143;
- B) to submit properly completed DMRs to the Enforcement Division for the monitoring periods 1998 through 2001 (the Respondent was also ordered to submit DMRs with explanations for any monitoring period for which no sampling was performed); and
- C) to submit a written report to include the circumstances of the cited violations,

Consolidated Compliance Order & Notice Of Potential Penalty WE-CN-01-0773 is a final action of the Department and is not subject to further administrative review.

III

In response to the Penalty Assessment, Respondent made a timely request for a hearing.

IV

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

V

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 ONE THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,800,00) of which TWO HUNDRED THIRTY-NINE AND 44/100 DOLLARS (\$239.44) represents DEQ'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 DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment 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.

VII

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.

VIII

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 LSA- R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberville parish. 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 a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

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/her respective party, and to legally bind such party to its terms and conditions.

WITNESSES:

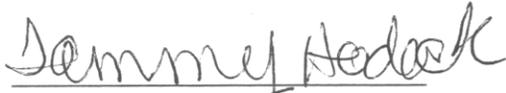
CORPRO, INC.


Steve Wylie

BY: 
(Signature)

TYZUS J. WESTBROOK

(Printed)


Tammy Hadock

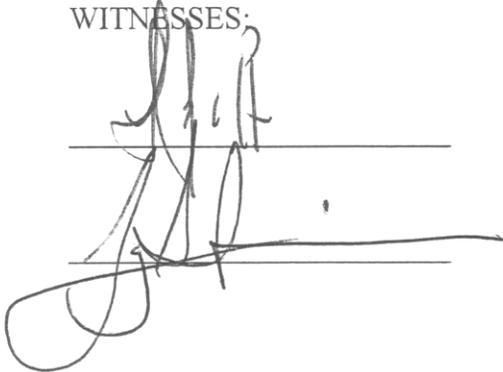
TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 29th day of January, 20 04, at Baton Rouge, Louisiana


NOTARY PUBLIC
Sharon C. Ragusa #39606
Lifetime Commission

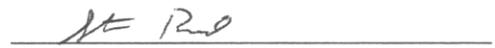
WITNESSES:

STATE OF LOUISIANA
Mike D. McDaniel, Ph.D., Secretary
Department of Environmental Quality



BY: 
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 12th day of May, 20 04, at Baton Rouge, Louisiana.


NOTARY PUBLIC
Steven Beard #27771

Approved: 
R. Bruce Hammatt, Assistant Secretary



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

April 29, 2004

RECEIVED

MAY 10 2004

**LA Dept. of Environmental Quality
LEGAL DIVISION**

Mike D. McDaniel, Secretary
La. Department of Environmental Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

Re: Review of DEQ Settlement;
Corpro, Inc.
SE-P-01-0030; AI #41136

Dear Secretary McDaniel:

Pursuant to the authority granted to me by R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,


NICHOLAS GACHASSIN
First Assistant Attorney General

NG/cbw



State of Louisiana
Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

May 20, 2004

Corpro, Inc.
C/o James E. Burns
5075 Iberville Street
Sunshine, Louisiana 70780

Via Certified Mail
No. 7003 2260 0000 5824 5163

Re: Corpro, Inc.
Enforcement No. WE-P-03-0138

Dear Mr. Burns:

On May 12, 2004, a fully executed duplicate original of the settlement agreement in the above referenced matter along with concurrence from the Attorney General's office was mailed to you.

The enforcement action number on the concurrence sent to you was incorrect. The Attorney General's office has, therefore, issued two original corrected concurrence pages. Please insert the enclosed original corrected concurrence page in your settlement agreement document. The other original will be inserted in the duplicate original maintained in DEQ's settlement files.

If you have any questions, please contact me at the address below or by telephone at (225) 219-3985.

Sincerely,

Steven Beard
Attorney

dr

Enclosure: duplicate original Attorney General concurrence page



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

RECEIVED

MAY 19 2004

**LA Dept. of Environmental Quality
LEGAL DIVISION**

May 13, 2004

Mike D. McDaniel, Secretary
La. Department of Environmental Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

Re: Review of DEQ Settlement;
Corpro, Inc.
WE-P-03-0138

Dear Secretary McDaniel:

Pursuant to the authority granted to me by R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,


NICHOLAS GACHASSIN
First Assistant Attorney General

NG/cbw