STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-16-0023**
GULF ISLAND SHRIMP AND SEAFOOD II, L.L.C.	*	
	*	**Enforcement Tracking No.**
AI # 43182	*	**WE-CN-13-01255**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Gulf Island Shrimp and Seafood II, 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 seafood processing facility located in Terrebonne Parish, Louisiana ("the Facility").

II

On August 4, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-01255, which was based upon the following findings of fact:

"The Respondent owns and/or operates a seafood processing facility that is located at 8947 Shrimper Row in Dulac, Terrebonne Parish, Louisiana. The Respondent was reissued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0090913 on April 26, 2005 with an

effective date of June 1, 2005, and expiration date of May 31, 2010. A renewal application was submitted on February 25, 2010, and LPDES Permit LA0090913 was reissued on October 11, 2010 with an effective date of November 1, 2010, and expiration date of October 31, 2015. Under the terms and conditions of LPDES permit LA0090913 the Respondent is authorized to discharge shrimp process wastewater and treated sanitary wastewater into the Bayou Grand Caillou, waters of the state.

An inspection conducted on or about September 17, 2013, along with a subsequent file review conducted by the Department on or about July 1, 2014, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs). These failures to submit DMRs, are summarized below:

Monitoring Period	Outfall
November 2012	001
September 2012	001
June 2012	001
May 2012	001
February 2012	001
January 2012	001
August 2011	001
May 2011	001
April 2011	001
February 2011	001
January 2011	001
November 2010	001
October 2010	001
September 2010	001
August 2010	001
July 2010	001
May 2010	001
April 2010	001
January 2010	001
Oct. – Dec. 2013	002
April – June 2013	002
Oct. – Dec. 2012	002
July – Sept. 2012	002
April – June 2012	002
Jan. – March 2012	002
Oct. – Dec. 2011	002

July – Sept. 2011	002
April – June 2011	002
Jan. – March 2011	002
Oct. – Dec. 2010	002
July – Sept. 2010	002
April – June 2010	002
Jan. – March 2010	002

Failure to submit DMRs is a violation of LPDES permit LA0090913 (Narrative Requirements; and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

An inspection conducted on or about September 17, 2013, revealed that the Respondent failed to sample on a twice per monthly basis for Outfall 001 and on a quarterly basis for Outfall 002. These failures to sample are summarized below:

Monitoring Period	Outfall	Sampling
April 2013	001	Failed to sample once
November 2012	001	Failed to sample
September 2012	001	Failed to sample
August 2012	001	Failed to sample once
July 2012	001	Failed to sample once
June 2012	001	Failed to sample
May 2012	001	Failed to sample
April 2012	001	Failed to sample once
March 2013	001	Failed to sample once
February 2012	001	Failed to sample
January 2012	001	Failed to sample
December 2011	001	Failed to sample once
November 2011	001	Failed to sample once
October 2011	001	Failed to sample once
September 2011	001	Failed to sample once
August 2011	001	Failed to sample
June 2011	001	Failed to sample once
May 2011	001	Failed to sample
April 2011	001	Failed to sample
February 2011	001	Failed to sample
January 2011	001	Failed to sample
November 2010	001	Failed to sample
April – June 2013	002	Failed to sample
Oct. – Dec. 2012	002	Failed to sample
July – Sept. 2012	002	Failed to sample
April – June 2012	002	Failed to sample
Jan. – March 2012	002	Failed to sample
Oct. – Dec. 2011	002	Failed to sample

July – Sept. 2011	002	Failed to sample
April – June 2011	002	Failed to sample
Jan. – March 2011	002	Failed to sample
Oct. – Dec. 2010	002	Failed to sample

Each failure to sample is a violation of LPDES permit LA0090913 (Effluent Limitations and Monitoring Requirements; and Standard Conditions, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.J.1.

An inspection conducted on or about September 17, 2013, along with a subsequent file review conducted by the Department on or about July 1, 2014, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on the monthly DMRs, are summarized below:

Monitoring Period	Outfall	Parameter	Limit	Reported Value
November 2013	001	BOD_5	750 lbs/day Mo. Avg.	1424 lbs/day
September 2013	001	BOD_5	750 lbs/day Mo. Avg.	1206 lbs/day
August 2013	001	BOD_5	750 lbs/day Mo. Avg.	1199 lbs/day
July 2013	001	BOD_5	750 lbs/day Mo. Avg.	964 lbs/day
		TSS	300 lbs/day Mo. Avg.	487 lbs/day
June 2013	001	BOD_5	750 lbs/day Mo. Avg.	2005 lbs/day
		BOD_5	1890 lbs/day Daily Max.	2120 lbs/day
		TSS	300 lbs/day Mo. Avg.	598 lbs/day
		TSS	750 lbs/day Daily Max.	781 lbs/day
May 2013	001	BOD_5	750 lbs/day Mo. Avg.	1154 lbs/day
		BOD_5	1890 lbs/day Daily Max.	2220 lbs/day
		TSS	300 lbs/day Mo. Avg.	355 lbs/day
		TSS	750 lbs/day Daily Max.	673 lbs/day
April 2013	001	BOD_5	750 lbs/day Mo. Avg.	1003 lbs/day
December 2010	001	BOD_5	750 lbs/day Mo. Avg.	768 lbs/day
Jan. – March 2014	002	BOD_5	30 mg/L Mo. Avg.	68 mg/L
		BOD_5	45 mg/L Daily Max.	68 mg/L
		TSS	30 mg/L Mo. Avg.	70 mg/L
		TSS	45 mg/L Daily Max.	70 mg/L
		Fecal Coliform	14 col./100 mL Mo. Avg.	4200 col./100 mL
		Fecal Coliform	43 col./100 mL Daily Max.	4200 col./100 mL
July – Sept. 2013	002	TSS	30 mg/L Mo. Avg.	36 mg/L
Jan. – March 2013	002	TSS	30 mg/L Mo. Avg.	128 mg/L
		TSS	45 mg/L Daily Max.	128 mg/L

Each exceedance of an effluent limitation is a violation of LPDES permit LA0090913 (Effluent Limitations and Monitoring Requirements; and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted on or about July 1, 2014, revealed that the Respondent failed to submit a timely renewal application. Specifically, the Respondent submitted a renewal application on February 25, 2010, which was not 180 days before LPDES Permit LA0090913 expired on May 31, 2010. Failure to submit a timely renewal application is a violation of LPDES permit LA0090913 (Standard Conditions, Section A.5), 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 SEVENTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($17,500.00), of which Five Hundred Fifty-Nine and 49/100 Dollars ($559.49) 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), the Consolidated Compliance Order and 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 Terrebonne Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-

of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

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

GULF ISLAND SHRIMP AND SEAFOOD II, 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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary