STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-10-0074**
JEFFERSON PARISH GOVERNMENT	*	
	*	**Enforcement Tracking No.**
AI # 30331	*	**WE-CN-03-0554**
	*	**WE-CN-08-0392**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2005-4196-EQ**
LA. R.S. 30:2001, ET SEQ.	*	**2009-10575-EQ**

SETTLEMENT

The following Settlement is hereby agreed to between Jefferson Parish Government ("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 governmental entity who operates a sewage treatment plant (STP) facility located at 1400 U.S. Hwy. 90 in Bridge City, Jefferson Parish, Louisiana ("the Facility").

II

On June 11, 2004, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-03-0554, to Respondent, which was based upon the following findings of fact:

The Respondent owns and/or operates a sewage treatment plant (STP) serving the communities of Bridge City, Nine Mile Point, Avondale, and Waggaman, and which is located at 1400 U.S. Hwy. 90 in Bridge City, Jefferson Parish, Louisiana. The Respondent was issued

National Pollutant Discharge Elimination System (NPDES) permit LA0042064 on or about September 13, 1996, with an effective date of November 1, 1996, and which expired on October 31, 2001. In accordance with the Department's assumption of the NPDES program on or about August 27, 1996, NPDES permit LA0042064 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit with the same expiration date. The Respondent submitted an application for renewal of LPDES permit LA0042064, which was received by the Department on or about December 14, 2001. LPDES permit LA0042064 was reissued to the Respondent on December 24, 2002, with an effective date of January 1, 2003, and which shall expire on December 31, 2007. Under the terms and conditions of LPDES permit LA0042064, the Respondent is authorized to discharge treated sanitary wastewater from its facility to the Mississippi River, waters of the state.

Inspections conducted by the Department on or about August 17, 1999, and February 12, 2003, revealed that the Respondent was not properly operating and maintaining its sewage treatment plant. Specifically, the Department's August 17, 1999, inspection revealed that the Respondent's effluent was greenish-yellow with a reddish tint and was partially covered with foam. Additionally, there was algae build-up on the clarifier weirs causing uneven flow. The Respondent's failure to properly operate and maintain its sewage treatment plant is in violation of LPDES permit LA0042064 (Part III, Sections A.2 and B.3.a) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

An inspection conducted by the Department on or about June 4, 2002, and a subsequent file review conducted by the Department on or about January 30, 2004, revealed that the Respondent failed to submit an application for the renewal of LPDES permit LA0042064 in a

timely manner. Specifically, the Respondent submitted an application for the renewal of LPDES permit LA0042064 subsequent to its expiration date of October 31, 2001. The Respondent submitted an application for renewal of LPDES permit LA0042064, which was received by the Department on or about December 14, 2001. The Respondent's failure to submit a permit renewal application in a timely manner is in violation of LPDES permit LA0042064 (Part III, Sections A.2 and A.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2331.D.1, LAC 33:IX.2355.B, and LAC 33:IX.2355.A.

An inspection conducted by the Department on or about June 4, 2002, and a subsequent file review conducted by the Department on or about January 30, 2004, revealed the Respondent was discharging without a permit. Specifically, the June 4, 2002, inspection and a subsequent file review conducted on or about January 30, 2004, revealed the Respondent continued to submit DMRs after the expiration of LPDES permit LA0042064. Information entered on the DMRs indicated that the Respondent discharged to the waters of the state without an LPDES permit from October 30, 2001, until reissued LPDES permit LA0042064 became effective on January 1, 2003. All discharges to waters of the state by the Respondent after October 31, 2001, and prior to January 1, 2003, are unauthorized discharges in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about June 4, 2002, revealed that the Respondent failed to review and amend, if necessary, its Spill Prevention and Control (SPC) plan. Specifically, a review of the Respondent's SPC plan revealed the plan was last reviewed on or about October 1996. The Respondent's failure to periodically review and amend its SPC plan

every three years is in violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.905.F and LAC 33:IX.2355.A.

Inspections conducted by the Department on or about August 17, 1999, and February 12, 2003, and a subsequent file review conducted by the Department on or about January 30, 2004, revealed that overflows had occurred as reported by the Respondent. The overflows are as follows:

Date of Overflow	Overflow Location	Overflow Amount	Cause of Overflow
5/1/1999	Manhole at 900 N. Clark St.	Approx. 75 Gals.	main line stoppage
5/12/1999	Meadowbrook Pumping Station	Approx. 900 Gals.	mechanical failure at the Meadowbrook Pumping Station
5/12/1999	Manhole at the intersection of Rue Louis Philippe and Waters Drive.	Approx. 200 Gals.	Entergy power failure at the lift station servicing this area
5/12/1999	Manhole at 712 Jung Blvd.	Approx. 160 Gals.	main line stoppage
5/12/1999	Manhole in the 1300 Block of Westwood Dr.	Approx. 500 Gals.	main line stoppage
5/21/1999	Manhole located in the 200 block of Argyll and Aberdeen.	Approx. 30 Gals.	mechanical failure at the lift station serving this area
5/22/1999	Manhole located in the 200 block of Argyll and Aberdeen.	Approx 60 Gals.	mechanical failure at the lift station serving this area
5/23/1999	Force main at 6250 Lapalco Blvd.	Approx. 9,500 Gals.	main line failure
5/24/1999	Cleanout at 925 Behrman Highway	Approx. 50 Gals.	mechanical failure at the lift station serving this area
5/24/1999	Pritchard Central	Approx. 9,500 Gals.	broken force main
6/9/1999	Manhole at the Camp Plauche Pumping Station.	Approx. 115,000 Gals.	Entergy power failure at the Camp Plauche Pumping station

6/26/1999	Manhole at the intersection of Mark Twain and Jefferson Hwy.	Approx 149,600 Gals.	result of inordinate rainfall
6/26/1999	Manhole at the intersection of Ferran Place and 17th St.	Approx. 37,400 Gals.	result of inordinate rainfall
6/26/1999	Manhole at 5000 Burke St.	Approx. 299,196 Gals.	result of inordinate rainfall
11/4/1999	Force main at 1151 Manhattan Blvd.	Approx. 300 Gals.	broken force main
11/4/1999	Force main at 1151 Manhattan Blvd.	Approx. 300 Gals.	broken force main
11/9/1999	Force main in the 2800 block of Manhattan Blvd.	Approx. 800 Gals.	broken force main
11/9/1999	Force main in the 2800 block of Manhattan Blvd.	Approx. 800 Gals.	broken force main
11/15/1999	Lift station located at the intersection of Cooper and Wilbur Court.	Approx. 75 Gals.	mechanical failure at the lift station serving this area
11/15/1999	Lift station located at the intersection of Cooper and Wilbur Court.	Approx. 75 Gals.	mechanical failure at the lift station
1/11/2000	Manhole located at 1020 Manhattan Blvd.	Approx. 25 Gals.	force main failure
2/18/2000	Lake Timberlane lift station.	Approx. 1,000 Gals.	mechanical failure at the lift station
2/20/2000	Force main at 1800 Carol Sue.	Approx. 410 Gals.	broken force main
2/29/2000	Lake Timberlane lift station.	Approx. 50 Gals.	broken force main
7/3/2000	Manhole at 700 Wayne Ave.	Approx. 25 Gals.	main line stoppage
9/26/2000	Force main at 304 Church St.	Approx. 200 Gals.	cracked force main at this location
11/29/2000	Manhole at 733 Dandelion Dr.	Approx. 500 Gals.	electrical failure at the lift station at this location

12/24/2000	Manhole at 135 Plum St.	Approx. 50 Gals.	main line stoppage
1/24/2001	Lift station wet well at 945 Beechgrove Blvd. (Beechgrove Apts.)	Approx. 50 Gals.	mechanical failure at the lift station at this location
1/24/2001	Manhole at 716 Azalea Dr.	Approx. 500 Gals.	mechanical failure at the lift station serving this location
1/26/2001	Manhole at 395 Helis Dr.	Approx. 25 Gals.	main line stoppage
3/4/2001	Force main at 100 Blanche Dr.	Approx. 200 Gals.	cracked force main at this location
4/16/2001	Force main at the intersection of the West Bank Expwy. And Wayne	Approx. 150 Gals.	cracked force main at this location
6/12/2001	Manhole at 801 Hooter Rd.	Approx. 800 Gals.	mechanical failure at the lift station serving this location
10/9/2001	Force main at the intersection of Jeffer Dr. and Dolores St.	Approx. 4,000 Gals.	cracked force main at this location
10/13/2001	Lift station wet well at the intersection of Live Oak Blvd. And Hwy. 90.	Approx. 6,500 Gals.	mechanical failure at the lift station at this location
01/05/02	Lift station wet well at Kennedy Heights in Waggaman.	Approx. 1,000 Gals.	electrical failure at the lift station at this location
01/11/02	Force main at the intersection of U.S. Hwy. 90 & West Tish Dr. (Avondale North).	Approx. 25,000 Gals.	broken force main at this location
9/25/2002	Manhole at the intersection of 39th St. and Burke Dr.	Approx. 224,397 Gals.	rainfall due to Tropical Storm Isidore
9/25/2002	Lift station wet well at Mt. Kennedy sewerage pump station.	Approx. 300,000 Gals.	Entergy power failure during Tropical Storm Isidore
9/26/2002	Manhole at the intersection of 39th St. and Burke Dr.	Approx. 199,464 Gals.	rainfall due to Tropical Storm Isidore
9/26/2002	Manhole at 4744 Ithaca St.	Approx. 174,531 Gals.	rainfall due to Tropical Storm Isidore

9/26/2002	Manhole at 2031 Cleary Ave.	Approx. 25,200 Gals.	rainfall due to Tropical Storm Isidore
9/26/2002	Manhole at 2930 Jefferson Hwy.	Approx. 21,600 Gals.	rainfall due to Tropical Storm Isidore
9/26/2002	Manhole at the intersection of 18th St. and Hessmer Ave.	Approx. 36,000 Gals.	rainfall due to Tropical Storm Isidore
9/26/2002	Manhole at 1701 S. Causeway Blvd.	Approx. 16,000 Gals.	rainfall due to Tropical Storm Isidore
9/26/2002	Lift station wet well at the Mt. Kennedy Sewerage Pump Station.	Approx. 300,000 Gals.	Entergy power failure during Tropical Storm Isidore
9/26/2002	Manhole at the intersection of Belle Terre Rd. and Barataria Blvd.	Approx. 5,000 Gals.	Entergy power failure during Tropical Storm Isidore
9/26/2002	Manhole at the intersection of 13th St. and Farrington Dr.	Approx. 1,000 Gals.	Entergy power failure during Tropical Storm Isidore
9/26/2002	Lift station wet well at 1400 Stonebridge Dr.	Approx 99,772 Gals.	Entergy power failure during Tropical Storm Isidore
9/26/2002	Lift station wet well at 1400 Stonebridge Dr.	Approx. 261,902 Gals.	Entergy power failure during Tropical Storm Isidore
9/26/2002	Lift station wet well at 1500 Spanish Oaks Dr.	Approx 174,501 Gals.	Entergy power failure during Tropical Storm Isidore
9/27/2002	Lift station wet well at 1500 Spanish Oaks Dr.	Approx. 74,800 Gals.	Entergy power failure during Tropical Storm Isidore
9/27/2002	Lift station wet well at 1500 Spanish Oaks Dr.	Approx. 56,100 Gals.	Entergy power failure during Tropical Storm Isidore
10/3/2002	Manhole at the intersection of Transcontinental Dr. and West Esplanade Ave.	Approx. 12,600 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 1228 West Esplanade Ave. and William David Pkwy. W.	Approx. 16,200 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 3548 Tolmas Dr. and West Esplanade Ave.	Approx. 12,600 Gals.	rainfall due to Hurricane Lili

10/3/2002	Manhole at 3800 Hessmer Ave. and 18th St.	Approx. 12,600 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at the intersection of 39th St. and Burke Dr.	Approx. 324,129 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 2021 N. Hullen St.	Approx. 1,000 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 2930 Jefferson Hwy.	Approx. 11,700 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 4752 Glendale Dr. and Harvard Ave.	Approx. 274,263 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 301 Northline St.	Approx. 9,000 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 3821 Jasper St. and Harvard Ave.	Approx. 124,665 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at 325 Hester Ave. and Stephen Dr.	Approx. 3,600 Gals.	rainfall due to Hurricane Lili
10/3/2002	Manhole at the intersection of Mt. Kennedy at Rochester Dr.	Approx. 84,150 Gals.	Entergy power failure during Tropical Storm Lili
10/3/2002	Lift station wet well at the intersection of Tusa Dr. and Barataria Blvd.	Approx. 187,000 Gals.	Entergy power failure during Tropical Storm Lili
10/3/2002	Manhole in the 3000 block of Cornwell Dr.	Approx. 149,000 Gals.	Entergy power failure during Tropical Storm Lili
10/3/2002	Lift station wet well at the intersection of Lake Louise Dr. and Lake Kristin Dr.	Approx. 168,300	Entergy power failure during Tropical Storm Lili
10/3/2002	Lift station wet well at the intersection of Deerpark Dr. and Sunnymead.	Approx. 93,500 Gals.	Entergy power failure during Tropical Storm Lili
10/3/2002	Lift station wet well at the intersection of 8th St. and Olive.	Approx. 37,400 Gals.	Entergy power failure during Tropical Storm Lili
10/4/2002	Lift station wet well at the intersection of 8th St. and Olive.	Approx. 149,600 Gals.	Entergy power failure during Tropical Storm Lili

10/14/2002	Lift station wet well at 4708 Red Oak Dr.	Approx. 500 Gals.	electrical failure to the lift station at this location
10/17/2002	Force main at 3054 Destrehan Ave.	Approx. 150 Gals.	broken force main at this location
10/29/2002	Lift station wet well at the intersection of Banner Wood St. and Brookwood St.	Approx. 1,500 Gals.	electrical failure of the control transformer and the #2 pump motor
10/29/2002	Manhole at Meadowbrook sewerage pump station.	Approx. 6,000 Gals.	electrical failure of the relay and timer on the #4 and #5 pump motors
10/30/2002	Lift station wet well at the intersection of Nathan Korman Dr. and Woodmere Canal (Old Woodmere Plant).	Approx. 1,000 Gals.	clogged bubbler line affecting the level control at this lift station
5/11/2003	Manhole at 7817 Heather.	Approx. 30 Gals.	main line stoppage at this location
01/14/04	Gravity line near the intersection of Cynthia St. and Joseph.	Approx 150 Gals.	main line stoppage and a broken gravity line at this location

Each discharge from a location not authorized by LPDES permit LA0042064 is in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A. Each failure by the Respondent to properly operate and maintain its sewerage system from April 29, 1999, through October 31, 2001, is in violation of LPDES permit LA0042064 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E. Each failure by the Respondent to properly operate and maintain its sewerage system from January 1, 2003 through January 2004 is in violation of LPDES permit LA0042064 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

An inspection conducted by the Department on or about February 12, 2003, revealed the Respondent failed to utilize an accredited laboratory. Specifically, the commercial laboratory which was used by the Respondent for compliance analyses was denied accreditation by the Department on or about February 28, 2002. Each failure to utilize an accredited laboratory for compliance sampling conducted after December 31, 2002, is in violation of LPDES permit (Part III, Sections A.2 and C.10) La. R.S. 30:2076 (A) (3), LAC 33:I.4501.A.1, LAC 33:IX.501.A, and LAC 33:IX.2355.A.

A review of the Respondent's January 30, 2004, laboratory data revealed the Respondent was not properly reporting values on Discharge Monitoring Reports (DMRs). Specifically, a check of the Respondent's monthly and weekly averages on the February 2003 DMRs revealed an incorrect value was reported for the BOD_5 weekly average. The Respondent's failure to properly report values on DMRs is in violation of LPDES permit LA0042064 (Part III, Sections A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

A file review conducted by the Department on or about January 30, 2004, revealed the Respondent was not sampling as required by LPDES permit LA0042064. Specifically, the Respondent did not sample Phosphorous and Kjeldahl Nitrogen for the monitoring period of July to September 2003 and failed to sample Kjeldahl Nitrogen for the monitoring period of January through March 2004. The Respondent's failure to sample and analyze for Phosphorous and Kjeldahl Nitrogen is in violation of LPDES permit LA0042064 (Part I, Page 2, and Part III, Section A.2) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

A review of the Respondent's DMRs conducted by the Department on or about January 30, 2004, revealed a permit excursion. Specifically, the Respondent reported a TSS value of 47

mg/L (weekly avg.) on its DMR for the monitoring period of April 2003. The Respondent's permit limitation for TSS is 45 mg/L (weekly avg.). This exceedance of the permitted effluent limitation constitutes a violation of LPDES permit LA0042064 (Part I, Page 2, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

On October 7, 2008, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-08-0392, to Respondent, which was based upon the following findings of fact:

An inspection conducted by the Department on or about March 12, 2008, and a file review conducted by the Department on or about June 9, 2008, revealed that the Respondent did not submit a timely permit renewal application in violation of LPDES permit LA0042064 (Part III, Sections A.2 and A.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A and B.

A file review conducted by the Department on or about June 9, 2008, also revealed that the Respondent caused and/or allowed the unauthorized discharge of wastewater into waters of the state. Specifically, DMRs submitted by the Respondent since the expiration of LPDES permit LA0042064 indicate a continued discharge into the Mississippi River, waters of the state. The unauthorized discharge into waters of the state is in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2311.A.1.

The following violations at the Respondent's sewage treatment plant (STP) facility in Bridge City, although not included in the foregoing enforcement actions, are included within the scope of the settlement herein.

An inspection conducted by the Department on or about February 8, 2007, revealed that the Respondent failed to review and amend, if necessary, its Spill Prevention and Control (SPC) plan. Specifically, a review of the Respondent's SPC plan revealed that the plan was last reviewed on or about October 2002. The Respondent's failure to periodically review and amend its SPC plan is in violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A and LAC 33:IX.905.F.

A file review conducted by the Department on or about March 7, 2008, revealed that the Respondent did cause or allow the unauthorized discharge of wastewater from a location not specified in LPDES permit LA0042064 as noted below:

DATE	TIME	LOCATION
03/08/07	10:30 AM	Force main in the 3600 block of U.S. 90, Approx. 100 gals.
02/22/05	2:00 PM	Force main in the 9000 block of West Bank Expressway, Approx 10,000 gals.

Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of LPDES permit LA0042064 (Part I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (b), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A and LAC 33:IX.2701.A.

A file review conducted by the Department on or about March 7, 2008, revealed that the Respondent failed to measure flow as required in LPDES permit LA0042064. Specifically, flow was not measured for the period of March 5-24, 2007, and October 20-24, 2006. Both instances were due to an electrical failure or an electrical surge causing the flow meter to malfunction. Each failure to measure flow is in violation of LPDES permit LA0042064 (Part I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (b), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A and LAC 33:IX.2701.A.

Date	Outfall	Parameter	Permit Limit (mg/L)	DMR Value (mg/L)
8/31/2009	001-A	Solids, total suspended --- MO AVG	30	31
8/31/2009	001-A	Solids, total suspended --- WKLY AVG	45	68
12/31/2009	001-A	Coliform, fecal general --- MOAV GEO	200	622
12/31/2009	001-A	Coliform, fecal general --- WKAV GEO	400	2246
6/30/2010	001-A	Coliform, fecal general --- MOAV GEO	200	209
6/30/2010	001-A	Coliform, fecal general --- WKAV GEO	400	2111
7/31/2010	001-A	Coliform, fecal general --- WKAV GEO	400	2663

A file review conducted by the Department on or about November 9, 2010, revealed the following excursions of LPDES permit LA0042064, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Additionally, a May 5, 2011, warning letter based on a May 18, 2010 inspection was sent to Jefferson Parish Department of Sewerage, covering exceedances, excursions (2007-2009) and overflows. The letter noted no March 2007 sample analysis. The letter noted solids observed in the primary clarifier and behind weirs of final clarifier (May 10, 2010). The letter noted fecal coliform exceedance during the week of July 18, 2010, and fecal coliform exceedances during the week of May 30, 2010. The letter noted on June, 2010, fecal coliform exceedances during the weeks of December 6, 2009, December 13, 2009, December 20, 2009, and on December, 2009. The letter noted TSS exceedances during week of August 16, 2009, and August 2009. The letter noted TSS exceedances during the week of April 5, 2009, and an overflow at force main at 1561 LA 18 River Park Road on April 23, 2009. These were noted in a surveillance division referral to the enforcement division on October 11, 2010. The Parish responded to the warning letter on June 10, 2011. Additionally, a file review on September 15, 2011, shows an overflow of 13,500 gallons at lift station at Kennedy Highway Sewerage Pump Station on November 11, 2010.

III

In response to the Consolidated Compliance Order and Notice of Potential Penalty, 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. The parties further recognize that some of the overflows cited in the table at paragraph II are from Jefferson Parish facilities other than Bridge City and/or are tropical storm or hurricane related.

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 TWENTY-NINE THOUSAND THREE HUNDRED FIFTY AND 57/100 DOLLARS ($29,350.57) of which One Thousand Three Hundred Fifty and 57/100 Dollars ($1,350.57) 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 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. Respondent may use any mitigating factors it believes applicable in any such future proceedings.

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 Jefferson 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 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. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Office of Management and Finance, 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/her respective party, and to legally bind such party to its terms and conditions.

JEFFERSON PARISH GOVERNMENT

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: _____
Cheryl Sonnier Nolan, 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: _____
Cheryl Sonnier Nolan, Assistant Secretary