STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-08-0018**
PEACHTREE LAND DEVELOPMENT, L.L.C.	*	
	*	**Enforcement Tracking No.**
AI # 134292	*	**WE-CN-07-0023**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Peachtree Land Development, 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 who owns and/or operates a land development company facility that is developing the property for Cresthaven Subdivision, which is located 1.1 miles north of I-20 along La. Highway 544 in Ruston, Lincoln Parish, Louisiana ("the Facility").

II

On May 11, 2007, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-07-0023, which was based upon the following findings of fact:

The Respondent owns and/or operates a land development company that is developing the property for Cresthaven Subdivision, which is located 1.1 miles north of I-20 along La. Highway 544 in Ruston, Lincoln Parish, Louisiana. The Respondent was granted coverage under Louisiana

Pollutant Discharge Elimination System (LPDES) Storm Water General Permit LAR10D354 for Construction Activities on February 13, 2006, authorizing stormwater discharges associated with construction activities into Cypress Creek, thence into Bayou D'Arbonne, waters of the state.

An inspection conducted by the Department on or about October 19, 2006, pursuant to a citizen's complaint, revealed the following violations:

A. The Respondent signed and certified on the Notice of Intent (NOI) received by the Department on or about January 13, 2006, that a Storm Water Pollution Prevention Plan (SWPPP) had been prepared. The inspector found that the SWPPP was incomplete and inadequate as it consisted only of a blue print map. The SWPPP failed to describe control measures and include a schedule for regular inspections. The Respondent's failure to prepare an adequate SWPPP is in violation of LPDES permit LAR10D354 (Part II, Section A.6.a and Part IV, Sections A, B.3 & D.1-4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A and LAC 33:IX.2701.A.

B. An inspection conducted by the Department on or about October 19, 2006, revealed the Respondent failed to implement and maintain adequate erosion control measures, evident by the silt fencing and/or stabilization either knocked down or absent thereby, allowing stormwater to drain into open ditches off the property. In addition, several open ditches were observed and sediment was allowed to flow freely from the property. Failure to implement Best Management Practices (BMPs) at the construction site to control pollutants in stormwater discharges is in violation of LPDES permit LAR10D354 (Part IV, Section D.2. and Part VI, Section A.1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A and LAC 33:IX.2701.A.

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.

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 Three Hundred Nine and 32/100 Dollars ($309.32) 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.

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 Lincoln 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 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.

PEACHTREE LAND DEVELOPMENT, L.L.C.

BY: _____
(Signature)

_____
(Print)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: _____
Peggy M. Hatch, 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 # _____)

_____
(Print)

Approved: Peggy M. Hatch
Peggy M. Hatch, Assistant Secretary