STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-15-0060**
PILGRIM'S PRIDE CORPORATION (DELAWARE)	*	
	*	
	*	**Enforcement Tracking No.**
AI # 27951	*	**WE-CN-08-0070**
	*	**WE-CN-12-01318**
	*	**WE-CN-12-01318A**
	*	**WE-CN-12-01318B**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	**Docket No. 2014-3631-EQ**
	*	

SETTLEMENT

The following Settlement is hereby agreed to between Pilgrim's Pride Corporation (Delaware) ("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 that owns and/or operates a facility located in Natchitoches, Natchitoches Parish, Louisiana ("the Facility").

II

On August 27, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-08-0070, which was based upon the following findings of fact:

"The Respondent owns and/or operates a sewage treatment plant that serves a poultry

processing facility located at Highway One South Bypass in Natchitoches, Natchitoches Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0054178 on or about August 14, 2002, with an effective date of September 1, 2002, and an expiration date of August 31, 2007. A minor modification of LPDES permit LA0054178 reflecting a correction of the biomonitoring language was issued to the Respondent on or about September 11, 2003, with an effective date of October 1, 2003, and an expiration date of August 31, 2007. The Respondent submitted a permit renewal application for LPDES permit LA0054178, received by the Department on or about August 27, 2007. Under the terms and conditions of LPDES permit LA0054178, the Respondent is authorized to discharge treated sanitary wastewater from its facility into the Old River, waters of the state.

A file review conducted by the Department on or about August 11, 2008, revealed that the Respondent failed to submit an application for the renewal of LPDES permit LA0054178 in a timely manner. Specifically, the Respondent submitted the permit renewal application, which was received by the Department on or about August 27, 2007. According to LPDES permit LA0054178, the permit renewal application shall be submitted at least one hundred eighty (180) days prior to the expiration date of the existing permit. The failure to submit the permit renewal application in a timely manner constitutes a violation of LPDES permit LA0054178 (Part III, Sections A.2 and A.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2501.D.2, LAC 33:IX.2701.A, and LAC 33:IX.2701.B.

A file review conducted by the Department on or about August 11, 2008, revealed that the Respondent exceeded the permit effluent limitations contained in LPDES permit LA0054178, as reported on the Discharge Monitoring Reports (DMRs) and/or Non-Compliance Reports (NCRs):

Monitoring Period	Outfall	Parameter	Permitted Limit	Reported Value
01/2007	001	BOD_5 (qualitative)	15 mg/L daily maximum	18.1 mg/L
02/2007	001	BOD_5 (qualitative)	10 mg/L monthly average	12.4 mg/L
02/07/2007 Reported on NCR	001	BOD_5 (quantitative)	100 lbs/day monthly average	385.6 lbs/day
		BOD_5 (quantitative)	150 lbs/day daily maximum	385.6 lbs/day
		BOD_5 (qualitative)	10 mg/L monthly average	42 mg/L
		BOD_5 (qualitative)	15 mg/L daily maximum	42 mg/L
02/14/2007 Reported on NCR	001	BOD_5 (quantitative)	100 lbs/day monthly average	274.8 lbs/day
		BOD_5 (quantitative)	150 lbs/day daily maximum	274.8 lbs/day
		BOD_5 (qualitative)	10 mg/L monthly average	30 mg/L
		BOD_5 (qualitative)	15 mg/L daily maximum	30 mg/L
02/23/2007 Reported on NCR	001	BOD_5 (qualitative)	10 mg/L monthly average	12.9 mg/L
02/28/2007 Reported on NCR	001	BOD_5 (quantitative)	100 lbs/day monthly average	329 lbs/day
		BOD_5 (quantitative)	150 lbs/day daily maximum	329 lbs/day
		BOD_5 (qualitative)	10 mg/L monthly average	45.3 mg/L
		BOD_5 (qualitative)	15 mg/L daily maximum	45.3 mg/L
09/2007	001	Ammonia-Nitrogen (quantitative)	40 lbs/day monthly average	181.8 lbs/day
10/2007	001	Dissolved Oxygen (qualitative)	5.0 (minimum) monthly avg.	3.2 mg/L
11/2007	001	Ammonia-Nitrogen (quantitative)	40 lbs/day monthly average	180.57 lbs/day
		Ammonia-Nitrogen (quantitative)	80 lbs/day daily maximum	531.30 lbs/day
01/2008	001	Ammonia-Nitrogen (quantitative)	40 lbs/day monthly average	45.50 lbs/day
		Ammonia-Nitrogen (quantitative)	80 lbs/day daily maximum	145.45 lbs/day
		Ammonia-Nitrogen (qualitative)	4 mg/L monthly average	5.2 mg/L
		Ammonia-Nitrogen (qualitative)	8 mg/L daily maximum	16.0 mg/L
		TSS (quantitative)	230 lbs/day daily maximum	299.98 lbs/day
		Fecal Coliform (qualitative)	200 col/100 mL monthly avg.	264 col/100 mL
02/2008	001	Ammonia-Nitrogen (quantitative)	40 lbs/day monthly average	49.6 lbs/day
		Ammonia-Nitrogen (quantitative)	80 lbs/day daily maximum	99.8 lbs/day
		Ammonia-Nitrogen (qualitative)	4 mg/L monthly average	5.85 mg/L
		Ammonia-Nitrogen (qualitative)	8 mg/L daily maximum	12.5 mg/L
		TSS (quantitative)	230 lbs/day daily maximum	277.7 lbs/day
03/2008	001	Fecal Coliform (qualitative)	200 col/100 mL monthly avg.	556 col/100 mL
		Fecal Coliform (qualitative)	400 col/100 mL daily max.	556 col/100 mL
04/2008	001	BOD_5 (quantitative)	100 lbs/day monthly average	280.5 lbs/day
		BOD_5 (quantitative)	150 lbs/day daily maximum	1148.9 lbs/day
		BOD_5 (qualitative)	10 mg/L monthly average	33.2 mg/L
		BOD_5 (qualitative)	15 mg/L daily maximum	136 mg/L
		Fecal Coliform (qualitative)	200 col/100 mL monthly avg.	880 col/100 mL
		Fecal Coliform (qualitative)	400 col/100 mL daily max.	880 col/100 mL

Monitoring Period	Outfall	Parameter	Permitted Limit	Reported Value
12/2002-02/2003	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Survival Test for *Pimphales promelas*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	60%
03/2003-05/2003	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	56%
06/2003-08/2003	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	75%
09/2003-11/2003	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	56%
12/2003	TX1Q	Chronic Static Renewal 7- Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	75%

Monitoring Period	Outfall	Parameter	Permitted Limit	Reported Value
01/2004	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	75%
03/2004-05/2004	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	75%
04/2004	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	32%
06/2004	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	71%
12/2004-02/2005	TX1Q	Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
03/2005	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	56%

Monitoring Period	Outfall	Parameter	Permitted Limit	Reported Value
04/2005	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	75%
12/2006-02/2007	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	0%
04/2007	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	56%
06/2007-08/2007	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	0%
07/2007	TX1Q	Chronic Static Renewal 7-Day Survival Test for *Ceriodaphnia dubia*	Report	Fail
		Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail
		Whole Effluent Toxicity (7-day NOEC)	100%	0%
10/2007	TX1Q	Chronic Static Renewal 7-Day Reproduction Test for *Ceriodaphnia dubia*	Report	Fail

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LA0054178 (Prior to permit modification: Part I, page 2 & 3 of 5 and Part III, Section A.2, and after permit modification: Part I, Page 4 & 5 of 5 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.2701.A.

A file review conducted by the Department on or about August 11, 2008, revealed that the Respondent failed to increase the monitoring frequency as indicated in LPDES permit LA0054178 when test failures occurred for an affected species. Specifically, the Respondent failed to increase from a quarterly biomonitoring frequency to a monthly biomonitoring frequency until compliance of the critical dilution for the affected species was demonstrated for a period of three consecutive months. The failure to increase the biomonitoring frequency as directed in LPDES permit LA0054178 constitutes a violation of (Part II, Section J.1.c and Part III, Section A.2), La. R. S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.6511.

A file review conducted by the Department on or about August 11, 2008, revealed that the Respondent failed to submit DMRs for the monthly monitoring periods when increased biomonitoring frequency was warranted. Specifically, the Respondent failed to submit a monthly DMR for the monthly biomonitoring frequencies as indicated below:

Missing DMRs for Monthly Monitoring Frequencies	
2004	February
	May
	August
2005	May
	July
2007	May
	August
	November

Missing DMRs for Monthly Monitoring Frequencies	
2007	December
2008	January
	February
	March
	April
	May

Each failure to submit a monthly biomonitoring DMR constitutes a violation of LPDES permit LA0054178 (Part II, J.3.c, and Part III, Sections A.2 and D.4), La. R. S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about August 11, 2008, revealed that the Respondent failed to submit the Summary Tables for results of valid biotoxicity tests for Outfall TX1Q as indicated below:

Monitoring Period	**Outfall**	**Failed to Submit**
12/2002-02/2003	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
03/2003-05/2003	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
06/2003-08/2003	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
09/2003-11/2003	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
12/2003	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
12/2003-02/2004	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
01/2004	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
04/2004	TX1Q	Summary tables for *Pimphales promelas* lab results
06/2004	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
07/2004	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
06/2004-08/2004	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
09/2004		Summary tables for *Pimphales promelas* lab results
12/2004-02/2005	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
03/2005		Summary tables for *Pimphales promelas* lab results
04/2005		Summary tables for *Pimphales promelas* lab results
06/2005	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
06/2005-08/2005	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
09/2005-11/2005	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
03/2007	TX1Q	Summary tables for *Pimphales promelas* lab results

Monitoring Period	Outfall	Failed to Submit
04/2007	TX1Q	Summary tables for *Pimphales promelas* lab results
06/2007	TX1Q	Summary tables for *Pimphales promelas* lab results
07/2007	TX1Q	Summary tables for *Pimphales promelas* lab results
06/2007-08/2007	TX1Q	Summary tables for *Pimphales promelas* lab results
09/2007	TX1Q	Summary tables for *Pimphales promelas* lab results
10/2007	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results
01/2008-03/2008	TX1Q	Summary tables for *Ceriodaphnia dubia* & *Pimphales promelas* lab results

Each failure to submit the required Summary Tables for valid biotoxicity tests conducted constitutes a violation of LPDES permit LA0054178 (Part II, Section J.3.c, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about August 11, 2008, revealed that the Respondent failed to submit complete and/or accurate DMRs as indicated:

Reported Monitoring Period	Outfall	Comments
09/2003-11/2003	TX1Q	Whole Effluent Toxicity reported as 100%. Summary Tables indicate Whole Effluent Toxicity at 56%.
12/2003 *Monthly DMR*	TX1Q	Whole Effluent Toxicity not reported on DMR
		Coefficient of variance not reported for *C. dubia*
12/2003-02/2004	TX1Q	Coefficient of variance reported as 0%
01/2004 *Monthly DMR*	TX1Q	Coefficient of variance not reported for *C. dubia*
		Whole Effluent Toxicity not reported on DMR
03/2004 *Monthly DMR*	TX1Q	Coefficient of variance not reported for *C. dubia*
04/2004 *Monthly DMR*	TX1Q	Whole Effluent Toxicity not reported on DMR
		Coefficient of variance reported as 0% for *C. dubia*
06/2004 *Monthly DMR*	TX1Q	Whole Effluent Toxicity not reported on DMR
		Coefficient of variance reported as 0% for *C. dubia*
07/2004 *Monthly DMR*	TX1Q	Whole Effluent Toxicity not reported on DMR
03/2005 *Monthly DMR*	TX1Q	DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
04/2005 *Monthly DMR*	TX1Q	DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
06/2006 *Monthly DMR*	TX1Q	DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.

Reported Monitoring Period	Outfall	Comments
12/2006-02/2007	TX1Q	Reported incorrect NOEC for *C. dubia* for both reproduction and lethality. Summary Tables indicate NOEC for *C. dubia* as 0% for both reproduction and lethality.
		Whole Effluent Toxicity reported as 100%. Summary Tables indicate Whole Effluent Toxicity at 0%.
03/2007 *Monthly DMR*	TX1Q	DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
04/2007 *Monthly DMR*	TX1Q	Whole Effluent Toxicity reported as 32%. Summary Tables indicate Whole Effluent Toxicity at 56%.
		DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
06/2007 *Monthly DMR*	TX1Q	DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
07/2007 *Monthly DMR*	TX1Q	Reported quarterly *P. promelas* results on monthly monitoring period DMR.
		Whole Effluent Toxicity not reported on DMR
		DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
06/2007-08/2007	TX1Q	Reported Whole Effluent Toxicity as 100%. Summary Tables indicate Whole Effluent Toxicity at 0%.
		Reported Chronic Static Renewal 7-Day Reproduction Test for *C. dubia* as "1" and Summary Tables indicates "0"
		Reported Chronic Static Renewal 7-Day Survival Test for *C. dubia* as "0" and Summary Tables indicates "1"
		DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
9/2007 *Monthly DMR*	TX1Q	Whole Effluent Toxicity not reported on DMR
		Reported Chronic Static Renewal 7-Day Survival Test for *C. dubia* as "100." Chronic Static Renewal Survival Test should be reported as "0" or "1."
		DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
10/2007 *Monthly DMR*	TX1Q	Reported quarterly *P. promelas* results on monthly monitoring period DMR.
		DMR labeled as "Retest." Increased monitoring frequencies due to a previous test failure is not considered a retest.
01/2008-03/2008	TX1Q	Quarterly monitoring frequency should be reported as 12/2007-02/2008.

Each incomplete and/or inaccurate DMR submittal constitutes a violation of LPDES permit LA0054178 (Part I, Page 2 of 5, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A."

On July 2, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-01318, which was based upon the following findings of fact:

"The Respondent owns and/or operates a poultry processing plant known as the Natchitoches Processing Plant. The facility is located at 7088 Highway 1 South Bypass, in Natchitoches, Natchitoches Parish, Louisiana. The Respondent was issued LPDES Permit LA0054178 on June 10, 2008, with an effective date of August 1, 2008, which will expire on July 31, 2013. LPDES Permit LA0054178 required the Respondent to initiate a Toxicity Reduction Evaluation (TRE) within ninety (90) days of the permit effective date. Under the terms and conditions of LPDES Permit LA0054178, the Respondent is authorized to discharge process wastewater, boiler blowdown, cooling tower blowdown, and storm water runoff into Old River, waters of the state.

On or about August 27, 2008, the Department issued **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY** WE-CN-08-0070 to the Respondent. WE-CN-08-0070 cited the Respondent for failure to submit an application for renewal of LPDES permit LA0054178 in a timely manner, exceedance of permit limits for BOD_5, Ammonia Nitrogen, Dissolved Oxygen, TSS, and Fecal Coliform for the monitoring periods of January, February, September, October, and November of 2007 and for the monitoring periods of January, February, March, and April of 2008. The Respondent was also cited for violations of the biomonitoring test requirements from December 2002 through October 2007.

On or about February 5, 2009, August 19, 2010, and September 27, 2012, inspections conducted by the Department, and a subsequent file review conducted on or about June 6, 2013, revealed that the Respondent exceeded the effluent limitations contained in LPDES Permit LA0054178. These effluent exceedances, as reported by the Respondent on Discharge Monitoring

Reports (DMRs), are summarized below:

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
August 2008	001	Fecal Coliform, Monthly Average	200 col/100 mL	306 col/100 mL
November 2008	001	TSS, Monthly Average (Loading)	150 lbs./day	197.6 lbs./day
		TSS, Daily Maximum (Loading)	230 lbs./day	313.9 lbs./day
		TSS, Monthly Average (Concentration)	20 mg/L	23 mg/L
		TSS, Daily Maximum (Concentration)	30 mg/L	32 mg/L
December 2009	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	80.4 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	218.3 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	9.4 mg/L
		Ammonia-Nitrogen Daily Maximum (Concentration)	8 mg/L	24 mg/L
January 2010	001	Fecal Coliform, Monthly Average	200 col/100 mL	230 col/100 mL
		Fecal Coliform, Weekly Average	400 col/100 mL	414 col/100 mL
March 2010	001	Fecal Coliform, Monthly Average	200 col/100 mL	>800 col/100 mL
		Fecal Coliform, Weekly Average	400 col/100 mL	>800 col/100 mL
May 2010	001	Total Nitrogen	103 lbs./day	108.2 lbs./day
August 2010	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	96.4 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	13.3 mg/L
February 2011	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	87.4 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	288.2 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	8.6 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	23.1 mg/L
May 2011	001	Total Nitrogen, Monthly Average	103 mg/L	116.9 mg/L
		Total Nitrogen, Daily Maximum	147 mg/L	154 mg/L
June 2011	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	138.5 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	15 mg/L
		Fecal Coliform, Monthly Average	200 col/100 mL	242.5 col/100 mL

August 2011	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	108.3 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	332.8 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	12.4 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	37.3 mg/L
February 2012	001	BOD_5, Daily Maximum (Loading)	150 lbs./day	182.7 lbs./day
		BOD_5, Daily Maximum (Concentration)	15 mg/L	18.5 mg/L
		Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	54.8 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	94 lbs/day
		Ammonia Nitrogen, Monthly Average (Concentration)	4 mg/L	6.7 mg/L
		Ammonia Nitrogen, Daily Maximum (Concentration)	8 mg/L	14.5 mg/L
May 2012	001	Total Nitrogen, Monthly Average	103 mg/L	105.7 mg/L
June 2012	001	Total Nitrogen, Monthly Average	103 mg/L	115 mg/L
		Fecal Coliform, Monthly Average	200 col/100 mL	800 col/100 mL
		Fecal Coliform, Weekly Average	400 col/100 mL	800 col/100 mL
July 2012	001	Fecal Coliform, Monthly Average	200 col/100 mL	214 col/100 mL
August 2012	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	108.9 lbs/day
October 2012	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	110 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	11.3 mg/L
November 2012	001	Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	4.3 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	9.7 mg/L
December 2012	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	78.9 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	312.5 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	8.1 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	32mg/L
February 2013	001	BOD_5, Daily Maximum (Concentration)	15 mg/L	18.5 mg/L

Each exceedance of permit effluent limitations indicated in the above table is in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0070**, LPDES Permit LA0054178 (Part I, Final Effluent Limitations and Monitoring Requirements, Page 2 of 3 and Page 3 of 3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

On or about August 19, 2010, and September 27, 2012, inspections conducted by the Department and a subsequent file review conducted on or about June 6, 2013, revealed that the Respondent reported lethal test failures of the effluent for toxicity. Specifically, the Respondent reported failed tests for the lethal endpoint at or below the critical dilution, which is a violation of the Whole Effluent Toxicity Limit contained in LPDES Permit LA0054178. These test failures, as reported by the Respondent on DMRs, are summarized below:

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
July-September 2009	TX1-Q	NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, Monthly Average Minimum	96%	30%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, 7-Day Minimum	96%	30%
		Whole Effluent Toxicity, Monthly Average Minimum	96%	30%
		Whole Effluent Toxicity, 7-Day Minimum	96%	30%
October-December 2009	TX1-Q	Whole Effluent Toxicity, Monthly Average Minimum	96 %	72%
		Whole Effluent Toxicity, 7-Day Minimum	96%	72%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, Monthly Average Minimum	96%	72%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, 7-Day Minimum	96%	72%
January-March 2010	TX1-Q	Whole Effluent Toxicity, Monthly Average Minimum	96%	30%
		Whole Effluent Toxicity, 7 Day Minimum	96%	30%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, Monthly Average Minimum	96%	30%
		NOEC, Lethality, Static Renewal, 7-Day	96%	30%

		Chronic Cerodaphnia dubia, 7-Day Minimum		
January-March 2011	TX1-Q	Whole Effluent Toxicity, Monthly Average Minimum	96%	54%
		Whole Effluent Toxicity, 7-Day Minimum	96%	54%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, Monthly Average Minimum	96%	54%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, 7-Day Minimum	96%	54%
January-March 2012	TX1-Q	Whole Effluent Toxicity, Monthly Average Minimum	96 %	0%
		Whole Effluent Toxicity, 7-Day Minimum	96%	0%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, Monthly Average Minimum	96%	72%
		NOEC, Lethality, Static Renewal, 7-Day Chronic Cerodaphnia dubia, 7-Day Minimum	96%	72%
		NOEC, Lethality, Static Renewal, 7-Day Chronic, Pimephales promelas, Monthly Average Minimum	96%	54%
		NOEC, Lethality, Static Renewal, 7-Day Chronic, Pimephales promelas, Monthly Average Minimum	96%	54%
July-September 2012	TX1-Q	Whole Effluent Toxicity, 7-Day Minimum	96 %	72%
		Whole Effluent Toxicity, 7-Day Minimum	96%	72%
		NOEC, Lethality, Static Renewal, 7-Day Chronic, Pimephales promelas, Monthly Average Minimum	96%	72%
		NOEC, Lethality, Static Renewal, 7-Day Chronic, Pimephales promelas, Monthly Average Minimum	96%	72%

Each lethal Whole Effluent Toxicity test failure of the effluent indicated in the above table is in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0070**, LPDES Permit LA0054178 (Part I, Final Effluent Limitations and Monitoring Requirements, Page 2 of 3 and Page 3 of 3 and Part II, Section L.1.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

On or about August 19, 2010, an inspection conducted by the Department, and a subsequent file review conducted on or about June 6, 2013, revealed the following failures to have adequate laboratory controls and appropriate quality assurance:

A. At the time of the inspection, the Department noted that the Respondent was not maintaining calibration logs for the pH meter and Dissolved Oxygen (DO) meter, and was not keeping a log of the temperature for the refrigerators being utilized to hold monitoring samples. Specifically, the permit requires the calibration of and performing maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to ensure the accuracy of measurements, and the Respondent shall maintain appropriate records of such activities. On or about February 11, 2011, the Department received correspondence from the Respondent indicating that log sheets had been developed to record the calibration of the DO and pH meters before each use and for the recording of internal temperatures of each refrigerator while samples are being stored.

B. At the time of the inspection, the Department noted that the Respondent failed to properly maintain and calibrate the flow meter. Specifically, the ISCO 4210 flow meter was not operating, and that the meter had not been calibrated since September 10, 2008. On or about February 11, 2011, the Department received a correspondance from the Respondent that indicated that ArkLaTex Controls Company had been contacted to schedule the needed repairs to the ISCO 4210 flow meter, and that the meter had been repaired within two (2) business days of the inspection conducted by the Department on or about August 19, 2010.

The Respondent's failure to have adequate laboratory controls and appropriate quality assurance is in violation of LPDES Permit LA0054178 (Part III, Section C.5), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

On or about June 6, 2013, a file review conducted by the Department revealed that the Respondent failed to timely submit reports required by the LPDES Permit. Specifically, as a part of the TRE, LPDES Permit LA0054178 required the Respondent to submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule within ninety (90) days of August 01, 2008. On or about November 05, 2008, the Respondent submitted the TRE Action Plan and Schedule to the Department, and the Department approved the TRE Action Plan and Schedule on or about November 21, 2008. As part of the TRE, LPDES Permit LA0054178 required that the Respondent submit quarterly TRE Activity Reports to the Department in the months of January, April, July, and October and a final report identifying the cause of the toxicity and outlining the plans for elimination the toxicity was to be submitted no later than December 1, 2010. The Respondent failed to submit the

quarterly TRE Activity Report for the 4th quarter of 2009 that was due in January of 2010 and the final report that was due no later than December 1, 2010, in a timely manner. On or about August 21, 2012, the Respondent submitted an electronic copy of the Final TRE Report to the Department. The Final TRE Report was dated August 20, 2012. On or about August 23, 2012, the Respondent submitted an electronic copy of the 2009 4th quarter TRE Activities Report. The 2009 4th quarter TRE Activities Report was dated January 12, 2010. The Respondent's failure to submit the required reports in a timely manner is in violation of LPDES Permit LA0054178 (Part II, Sections L.5.c & d and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A."

On January 21, 2014, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-01318A, which was based upon the following findings of fact:

"The Department hereby amends the Order Section to add Paragraph IV to read as follows:

'The Respondent shall accomplish the following tasks and comply with the following schedule of activities associated with its wastewater treatment system upgrade referenced in the Respondent's letter dated November 21, 2013:

Milestone	Completion Date
Complete Detailed Design	February 1, 2014
Complete Bidding and Contracting	March 15, 2014
Complete Construction	September 15, 2014
Complete Startup	October 15, 2014
Achieve Full Compliance with LPDES Permit LA0054178	January 1, 2015

The Respondent shall submit construction progress reports following each calendar quarter until the completion of the aforementioned proposed improvements. The Respondent shall submit progress reports no later than thirty (30) days following the end of the calendar quarter. The first progress

report is due January 30, 2014. Within 15 days of any completion date specified in the schedule above, the Respondent shall submit a certification of compliance or non-compliance with that activity. If the Respondent reports non-compliance with a schedule event, the certification shall include a discussion of the cause of the delay, an anticipated date of completion and a discussion of any impairment of a subsequent due date.'

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-12-01318** and **AGENCY INTEREST NO. 27951** as if reiterated herein."

On November 17, 2014, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-01318B, which was based upon the following findings of fact:

"The Department hereby amends Paragraph III of the Findings of Fact Section to read as follows:

'On February 5, 2009, August 19, 2010, and September 27, 2012, inspections conducted by the Department, and a subsequent file review conducted on or about November 6, 2014, revealed that the Respondent exceeded the effluent limitations contained in LPDES Permit LA0054178. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
August 2008	001	Fecal Coliform, Monthly Average	200 col/100 mL	306 col/100 mL
November 2008	001	TSS, Monthly Average (Loading)	150 lbs./day	197.6 lbs./day
		TSS, Daily Maximum (Loading)	230 lbs./day	313.9 lbs./day
		TSS, Monthly Average (Concentration)	20 mg/L	23 mg/L
		TSS, Daily Maximum	30 mg/L	32 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		(Concentration)		
December 2009	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	80.4 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	218.3 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	9.4 mg/L
		Ammonia-Nitrogen Daily Maximum (Concentration)	8 mg/L	24 mg/L
January 2010	001	Fecal Coliform, Monthly Average	200 col/100 mL	230 col/100 mL
		Fecal Coliform, Weekly Average	400 col/100 mL	414 col/100 mL
March 2010	001	Fecal Coliform, Monthly Average	200 col/100 mL	>800 col/100 mL
		Fecal Coliform, Weekly Average	400 col/100 mL	>800 col/100 mL
May 2010	001	Total Nitrogen	103 lbs./day	108.2 lbs./day
August 2010	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	96.4 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	13.3 mg/L
February 2011	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	87.4 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	288.2 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	8.6 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	23.1 mg/L
May 2011	001	Total Nitrogen, Monthly Average	103 mg/L	116.9 mg/L
		Total Nitrogen, Daily Maximum	147 mg/L	154 mg/L
June 2011	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	138.5 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	15 mg/L
		Fecal Coliform, Monthly Average	200 col/100 mL	242.5 col/100 mL
August 2011	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	108.3 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	332.8 lbs./day
August 2011	001	Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	12.4 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	37.3 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
February 2012	001	BOD_5, Daily Maximum (Loading)	150 lbs./day	182.7 lbs./day
		BOD_5, Daily Maximum (Concentration)	15 mg/L	18.5 mg/L
		Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	54.8 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	94 lbs/day
		Ammonia Nitrogen, Monthly Average (Concentration)	4 mg/L	6.7 mg/L
		Ammonia Nitrogen, Daily Maximum (Concentration)	8 mg/L	14.5 mg/L
May 2012	001	Total Nitrogen, Monthly Average	103 mg/L	105.7 mg/L
June 2012	001	Total Nitrogen, Monthly Average	103 mg/L	115 mg/L
		Fecal Coliform, Monthly Average	200 col/100 mL	800 col/100 mL
		Fecal Coliform, Weekly Average	400 col/100 mL	800 col/100 mL
July 2012	001	Fecal Coliform, Monthly Average	200 col/100 mL	214 col/100 mL
August 2012	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	108.9 lbs/day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	14 mg/L
October 2012	001	Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	110 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	11.3 mg/L
November 2012	001	Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	4.3 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	9.7 mg/L
December 2012	001	Ammonia-Nitrogen, Monthly Average (Loading)	40 lbs./day	78.9 lbs./day
		Ammonia-Nitrogen, Daily Maximum (Loading)	80 lbs./day	312.5 lbs./day
		Ammonia-Nitrogen, Monthly Average (Concentration)	4 mg/L	8.1 mg/L
		Ammonia-Nitrogen, Daily Maximum (Concentration)	8 mg/L	32mg/L
February 2013	001	BOD_5, Monthly Averag (Concentration)	10 mg/L	10.9 mg/L
December 2013	001	BOD_5, Daily Maximum (Loading)	150 lbs./day	170.9 lbs./day
		BOD_5, Daily Maximum (Concentration)	15 mg/L	20.9 mg/L
April 2014	001	BOD_5, Daily Maximum (Loading)	150 lbs./day	158.1 lbs./day
		BOD_5, Daily Maximum (Concentration)	15 mg/L	17.5 mg/L
June 2014	001	BOD_5, Daily Maximum (Concentration)	15 mg/L	16.4 mg/L

Each exceedance of permit effluent limitations indicated in the above table is in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0070**, LPDES Permit LA0054178 (Final Effluent Limitations and Monitoring Requirements), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.'

The Department hereby adds Paragraph VII to the Findings of Fact Section to read as follows:

'On or about November 21, 2013, the Respondent notified the Department that a wastewater treatment system upgrade was going to be initiated at the facility in order to meet compliance with LPDES permit LA0054178. As such, a construction schedule for the project was incorporated into an enforcement action as **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-12-01318A** issued on January 21, 2014. On March 25, 2014, the Respondent submitted a progress report indicating that all bids for the project were received on time, but that awarding the contract was still in progress. On July 21, 2014, the Respondent submitted a progress report indicating that as the project proceeded through the design and bidding phases, design changes were identified that were believed to enhance the overall project and improve the reliability. As such, the timeframe for the contracting process and subsequent phases will need to be updated. On September 19, 2014, the Respondent submitted a revision to the compliance schedule reflecting the current status of the project.'

The Department hereby amends Paragraph IV of the Order Section to read as follows:

'The Respondent shall accomplish the following tasks and comply with the following schedule of activities associated with its wastewater treatment system upgrade referenced in the Respondent's letter dated September 19, 2014, or any amendment of that schedule approved in writing by the Department:

Milestone	Completion Date
Complete Detailed Design	Completed
Complete Bidding and Contracting	Completed
Complete Construction	January 1, 2015
Complete Startup	February 1, 2015
Achieve Full Compliance with LPDES Permit LA0054178	April 1, 2015

The Respondent shall submit progress reports to the Enforcement Division following each calendar quarter until the completion of the aforementioned schedule. The Respondent shall submit each progress report within thirty (30) days following the end of the calendar quarter. The next progress report is due on January 30, 2015. Additionally, if an activity cannot be completed by the due date specified in the schedule, the Respondent shall submit a certification of non-compliance to the Department within fifteen (15) days after the scheduled due date. If the Respondent reports non-compliance with a scheduled event, the certification shall include a discussion of the cause of the delay, an anticipated date of completion, and a discussion of any impairment of a subsequent due date. Upon completion of all scheduled events, the Respondent shall submit a final certification stating that all activities have been achieved.'

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-12-01318A** and **AGENCY INTEREST NO. 27951** as if reiterated herein."

III

In response to the Consolidated Compliance Order & 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 FIFTY-ONE THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS ($51,840.00), of which One Thousand Eight Hundred Forty and 46/100 Dollars ($1,840.46) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), Consolidated Compliance Order & Notice of Potential Penalty, Amended Consolidated Compliance Order & Notices 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 La. R. S. 30:2025(E) of the Act.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Natchitoches 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.

XI

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).

XII

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

XIII

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.

PILGRIM'S PRIDE CORPORATION (DELAWARE)

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