

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WALL'S GATOR FARM L.L.C.

AI # 180044

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

* Settlement Tracking No.
* SA-WE-14-0067
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* Enforcement Tracking No.
* WE-CN-12-01102
* WE-CN-12-01102A
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SETTLEMENT

The following Settlement is hereby agreed to between Wall's Gator Farm 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 an alligator farm located in Springfield, Livingston Parish, Louisiana ("the Facility").

II

On November 30, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement No. WE-CN-12-01102. On February 26, 2013, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-01102A. The Consolidated Compliance Orders & Notice of Potential Penalties were based upon the following findings of fact:

"The Respondent owns and/or operates an alligator farm located at 26900 LA Highway 1037 in Springfield, Livingston Parish, Louisiana. The Respondent does not have a Louisiana Pollutant

Discharge Elimination System (LPDES) permit or other authority to discharge wastewater to waters of the state.

Inspections conducted by the Department on or about December 9, 2011, and August 3, 2012, in response to citizens' complaints, and a subsequent file review conducted on or about October 8, 2012, revealed that the Respondent did cause and/or allow the unauthorized discharge of process wastewater and sanitary wastewater to waters of the state. Specifically, the Department observed wash down water discharging from the alligator sheds to local drainage, thence to Bridge Bayou, thence to the Tickfaw River, waters of the state, during the inspection conducted on or about December 9, 2011. In addition, a representative of the Respondent stated during the inspection that sanitary wastewater is also discharged from the facility. The Respondent does not have an LPDES permit or other authority to discharge wastewater to waters of the state. The Department received an LPDES permit application for the facility on May 22, 2012. The Respondent stated in the application that the facility discharges process wastewater and sanitary wastewater from Outfall 001 and process wastewater from Outfall 002 to waters of the state. The Respondent also stated in the permit application that the facility has been in operation for at least twenty (20) years. The unauthorized discharge of process wastewater and sanitary wastewater is a violation of La. R.S. 30:2075.

An inspection conducted by the Department on or about December 9, 2011, and a subsequent file review conducted on or about October 8, 2012, revealed that the Respondent failed to submit an LPDES permit application. Specifically, the inspection revealed that the Respondent was discharging process wastewater and sanitary wastewater to waters of the state without an LPDES permit. The Department received a permit application for the facility on May 22, 2012, which stated that the facility has been in operation for at least twenty (20) years. The failure to submit a permit application is a violation of 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 NINETY-FIVE THOUSAND FOUR HUNDRED EIGHTY-TWO AND 72/100 DOLLARS (\$95,482.72), of which Nine Hundred Ninety-Six and 74/100 Dollars (\$996.74) 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), the CONOPP 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 Livingston 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 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.

WALL'S GATOR FARM L.L.C.

BY: Nathan Wall
(Signature)

Nathan Wall
(Printed)

TITLE: owner

THUS DONE AND SIGNED in duplicate original before me this 19th day of January, 20 15, at Springfield, Louisiana.

Eva S. Wall
NOTARY PUBLIC (ID # 50248)

EVA S. Wall
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: [Signature]

THUS DONE AND SIGNED in duplicate original before me this 28th day of May, 20 15, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Peggy M. Hatch, Secretary