



***WHAT ARE THEY & HOW
DO THEY BENEFIT ME?***

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***THE EXPEDITED PENALTY
A QUICK, EASY & LESS EXPENSIVE WAY TO
TAKE CARE OF NON COMPLIANCE ISSUES.***



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WHAT IS AN EXPEDITED PENALTY AGREEMENT?

DEQ started the XP program in March 2004 to address minor-moderate environmental violations. It is modeled after an EPA program that issues "tickets in the field" for violations discovered during a compliance inspection.

With an XP agreement, the department offers to settle the violations for a reduced penalty in exchange for the facility certifying that the violation(s) was corrected within the 30 day time frame allowed for signing the agreement. The signing of this agreement is strictly voluntary on the part of the regulated facility. The signed agreement benefits the department by cutting back staff time needed for smaller violations. It benefits the facility because of the reduction in paid violation penalties. This program does not allow an opportunity for paying the reduced penalty for the same or similar violation occurring at a site within two years.

HOW DOES THE XP PROCESS WORK?

Violations are identified during compliance inspections or are reported to the department. Those discovered during an inspection are reviewed by Surveillance and Enforcement personnel and a decision is made on the type of enforcement action that will be issued. Sometimes a Notice of Deficiency (NOD) will be issued by the Regional Surveillance Office. At other times, the violations may be referred directly to the Enforcement Division for action. And still other times a referral may be made to the Enforcement Division after issuing the NOD because no response (or an inadequate response) was received or possibly because of the severity of the violation.

HOW DOES SIGNING THIS AGREEMENT BENEFIT ME?

The penalty in the XP program are significantly less than penalty amounts for the same violation calculated based on the traditional penalty regulation. Also, traditional penalties can add up because of per-day and per-event calculations for being out of compliance.

EXAMPLE:

A facility that was cited under the underground storage tanks regulations for failure to perform release detection with a traditional calculation was assessed \$10,000. The same facility cited for failure to perform release detection with an XP agreement could be assessed a maximum of \$1,500 and required to attend a compliance training class.

WHAT HAPPENS IF I DON'T SIGN THE XP AGREEMENT?

When a facility chooses not to sign the expedited penalty agreement, the XP document then serves as a Notice of Potential Penalty and a traditional penalty assessment will be calculated and assessed to the company. Typically, these penalties are significantly larger than what is available through the XP process.

WHERE WILL THE XP PROGRAM GO FROM HERE?

The XP program will continue as a pilot program until final rule-making, at which time new media and violations may be added to the rule. The XP compliance training process allows the department to issue reduced penalties and to educate people concerning compliance requirements. The training classes are an important part of the XP process. These classes are required for some UST violations. Classes concerning car washes and small sewage treatment plants may be offered in the future. Check the DEQ website at www.deq.louisiana.gov for future announcements.

HOW CAN I CONTACT MY LOCAL REGIONAL OFFICE?

Capital Regional Office-----225 | 219 | 3600
Acadiana Regional Office -----337 | 262 | 5584
Southeast Regional Office -----504 | 736 | 7701
Bayou Lafourche Office -----985 | 532 | 6206
Southwest Regional Office -----337 | 491 | 2627
Northwest Regional Office -----318 | 676 | 7476
Northeast Regional Office -----318 | 362 | 5439