STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: * Settlement Tracking No.

* SA-WE-22-0018

TA OPERATING LLC *

* Enforcement Tracking No.

AI # 3234 * WE-CN-17-00355

*

PROCEEDINGS UNDER THE LOUISIANA * ENVIRONMENTAL QUALITY ACT *

LA. R.S. 30:2001, <u>ET SEQ.</u> *

SETTLEMENT

The following Settlement is hereby agreed to between TA Operating LLC ("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").

Ι

Respondent is a limited liability company that owns and/or operates a truck stop located in Lafayette, Lafayette Parish, Louisiana ("the Facility").

II

On October 6, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-17-00355 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action, are included within the scope of this settlement:

The Respondent failed to comply with LPDES permit LA0109941. Specifically, a review of Discharge Monitoring Reports (DMRs) for April 2017 through December 2021, revealed that the Respondent reported exceedances of permit effluent limitations for COD and oil & grease:

Date	Parameter	Permit Limit	Sample Value
4/30/2017	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	214 mg/L
5/31/2017	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	141 mg/L
09/30/2017	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	239 mg/L
09/30/2017	Oil & grease Daily Maximum	15 mg/L	18.3 mg/L
03/31/2018	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	265 mg/L
04/30/2020	04/30/2020 Chemical Oxygen Demand [COD] Daily Maximum		740 mg/L
04/30/2020	Oil & Grease Daily Maximum	15 mg/L	17.1 mg/L
08/31/2020	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	283 mg/L
11/30/2020	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	970 mg/L
11/30/2020	Oil & Grease Daily Maximum	15 mg/L	21.6 mg/L
03/31/2021	03/31/2021 Chemical Oxygen Demand [COD] Daily Maximum		225 mg/L
09/30/2021	0/30/2021 Oil & Grease Daily Maximum		20.2 mg/L
10/31/2021	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	715 mg/L
11/30/2021	Chemical Oxygen Demand [COD] Daily Maximum	125 mg/L	248 mg/L
11/30/2021	Oil & Grease Daily Maximum	15 mg/L	39 mg/L

The failure to comply is in violation of LPDES Permit LA0109941 (prior to December 1, 2017: (Effluent Limitations and Monitoring Requirements, page 1 of 2 and Standard Conditions for LPDES Permits, Section A.2; beginning December 1, 2017: Permit Requirements, Effluent Limitations and Monitoring Requirements, page 1 of 5 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

The Respondent failed to comply with LPDES permit LAG830316. Specifically, a review of Discharge Monitoring Reports (DMRs) from March 2018 through September 2020, revealed that the Respondent reported exceedances of permit effluent limitations for TOC and total lead:

Date	Parameter	Permit Limit	Sample Value
8/31/2018	TOC	50 mg/L	58.7 ppm
6/30/2019	TOC	50 mg/L	62 ppm
9/30/2019	Lead, total	50 μg/L	568 ppb

The failure to comply is in violation of LPDES Permit LAG830316 (Part I, Section B, page 8 of

12 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

An inspection conducted on or about December 8, 2021, revealed that the Respondent failed to comply with LPDES permit LA0109941. Specifically, the Storm Water Pollution Prevention Plan (SWPPP) did not reflect current personnel. In addition, the Respondent could not provide annual inspection reports at the time of inspection. The failure to comply is in violation of LPDES Permit LA0109941 (Permit Requirements, Narrative Requirements, N-8 & N-19, pages 4 & 5 of 5 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. The Respondent submitted an updated SWPPP and the 2021 annual inspection report on or about December 29, 2021.

Ш

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 TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00), of which Nine Hundred Sixty-Two and 90/100 Dollars (\$962.90) 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), permit record(s), the Consolidated Compliance Order & 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.

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 Lafayette 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.

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).

ΧI

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.

TA OPERATING LLC

BY: Com
(Signature)
Rob Porges
Dire Rondes divironmental Services
TITLE: TA Operating LLC
THUS DONE AND SIGNED in duplicate original before me this 26 day of October, 20 22, at The Operating U.C.
NOTARY PUBLIC (4D #)
Ramonita Agosto Notary Public In and For the State of Ohio Recorded in Lorain County Myrcommission Expires My 30, 2024
LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary
BY: Lew J Culture Celena J. Cage, Assistant Secretary Office of Environmental Compliance
THUS DONE AND SIGNED in duplicate original before me this day of through the day of the day
, 20 /3 , at Baton Rouge, Louisiana.
NOTARY PUBLIC (ID # 6688/
T. 1 11
Approved: La un & C. Glori'o So (stamped or printed)
Celena J. Cage, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION CONSOLIDA

POST OFFICE BOX 4312

CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY



BATON ROUGE, LOUISIANA 70821-4312

Enforcement Tracking No.	WE-CN-17-00355	Certified Mail No.	7016 2140 0000 5132 7348	
Agency Interest (AI) No.	3234	Contact Name	Jessie Canerday	
Alternate ID No.	LA0109941	Contact Phone No.	(225) 219-3814	
Respondent:	TA Operating LLC	Facility Name:	Lafayette Travel Center	
	c/o Corporation Service Company	Physical Location:	1701 North University Ave.	
	Agent for Service of Process			
	501 Louisiana Avenue	City, State, Zip:	Lafayette, Louisiana 70507	
	Baton Rouge, LA 70802	Parish:	Lafayette	

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued by the Louisiana Department of Environmental, Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

The Respondent owns and/or operates a truck stop located at 1701 North University Ave., Lafayette, Lafayette Parish, Louisiana. The Respondent was issued LPDES permit LA0109941 on August 10, 2012, with an effective date of September 1, 2012, and an expiration date of August 31, 2017. On or about March 9, 2017, the Respondent submitted a renewal application, and it was determined administratively complete on March 14, 2017. Under the terms and conditions of LPDES Permit LA0109941, the Respondent is permitted to discharge washdown water and storm water runoff into Coulee Mine (Subsegment 060801), all waters of the state.

	000001), all waters of the state.		
	Date of Violation	Description of Violation	
II.	Inspection(s) & File Review 2/14/2017 & 07/18/2017	The Respondent failed to comply with LPDES permit LA0109941. Specifically, from December 2014, through March 2017, the Respondent reported twenty (20) exceedances of permit effluent limitations for Chemical Oxygen Demand daily maximum and three (3) exceedances of permit effluent limitations for Oil and Grease daily maximum on the monthly Discharge Monitoring Reports (DMRs). (LA0109941 (Effluent Limitations and Monitoring Requirements, page 1 of 2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)	

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

- To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
- To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER. This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.
- III. To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.
- To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this COMPLIANCE ORDER. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: www.epa.gov/netdmr. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at dequetdmr@la.gov.)
 - To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

RIGHT TO APPEAL

- The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE

 ORDER. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER.
- The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.
- Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
- IV. This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
- V. The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this



٧.

Depa Offic Post Bato	Office 80x 4313 n Rouge, LA 70821-4313 : Water Permits Division	602 N Fifth Street Baton Rouge, LA 70802 E OF THIS CONSOLIDATED COMPLIANCE ORDER		
Depa Offic Post Bato	Office Box 4313 n Rouge, LA 70821-4313	1		
Depa Offic Post	Office Box 4313	1		
Depa Offic		602 N Fifth Street		
Depa				
	e of Environmental Services	Department of Environmental Quality		
Wate	ertment of Environmental Quality	Lukarat waatess (i) vaua denketsa);		
Water Permits Division (if necessary):		Agency Interest No. 3234 Physical Address (if hand delivered):		
Attn: Jessie Canerday		Re: Enforcement Tracking No. WE-CN-17-00355		
	1 Rouge, LA 70821	Attn: Hearings Clerk, Legal Division		
Post (Office Box 4312	Baton Rouge, Louisiana 70821-4302		
	r Enforcement Division	Post Office Box 4302		
	e of Environmental Compliance	Office of the Secretary		
	iana Department of Environmental Quality	Department of Environmental Quality		
Enfor	cement Division:	Hearing Requests:		
		ND SUBMITTAL OF INFORMATION		
IV.	This CONSOLIDATED COMPLIANCE ORDER & NO	TICE OF POTENTIAL PENALTY is effective upon receipt.		
111.	I. The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetar benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIA PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that n monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as a admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.			
11.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to prese any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Jessie Canerdiat (225) 219-3814 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.			
1.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.			
		CE OF POTENTIAL PENALTY		
VII.	For each violation described herein, the Departm nothing herein shall be construed to preclude the	nent reserves the right to seek civil penalties in any manner allowed by law, ar e right to seek such penalties.		
	Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.			
	permanent part of its compliance history. Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation.			
VI.	COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming			

- To appeal the CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY.
- To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form and returning it to the address specified.
 - o Before requesting closure of the COMPLIANCE ORDER portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - o The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
 - o The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer.
 - o DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
 - Before requesting closure of the NOTICE OF POTENTIAL PENALTY portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Jessie Canerday at (225) 219-3814 or Jessie.canerday@la.gov.

Date: 10-6-17 Lourdes Iturralde **Assistant Secretary**

WE-CN-17-00355

Page 2

CONOPP FORM 1

LDEQ-EDMS Document 10825670, Page 3 of 6

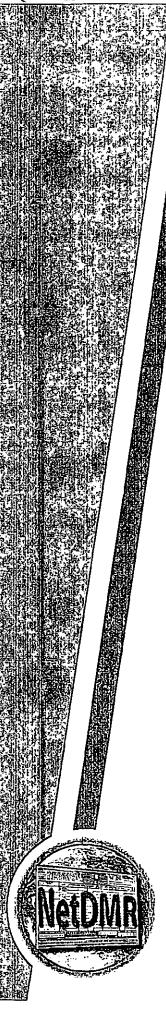
Office of Environmental Compliance

cc: TravelCenters of America Attn: Kelly Gelske 24601 Center Ridge Rd. Westlake, OH 44145

- Attachment(s)
 Request to Close
 NetDMR Flyer
- Settlement Agreements Flyer

I OUTCOME DEPARTMENT	OF FILL CONTROL OF THE CONTROL OF TH	***************************************		
COUISIANA DEPARTMENT (OFFICE OF ENVIRONMENT)	OF ENVIRONMENTAL QUALITY		/	
ENFORCEMENT DIVISION	CONSOLIDATED COMPLI	ANCE ODDED 9.	/+	
POST OFFICE BOX 4312	NOTICE OF POTENT		المصا	
BATON ROUGE, LOUISIANA			Ļ	ÆQ
Enforcement Tracking No.	WE-CN-17-00355	Contact Name	Jossia Canada	
Agency Interest (AI) No.	3234	Contact Phone No.	Jessie Canerday (225) 219-3814	- 11*11
Alternate ID No.	LA0109941	Contact I none no.	(223) 213-3014	
Respondent:	TA Operating LLC	Facility Name:	Lafayette Travel Ce	nter
	c/o Corporation Service Company	Physical Location:	1701 North Univers	
	Agent for Service of Process			
	S01 Louisiana Avenue	City, State, Zip:	Lafayette, Louisian	a 70507
	Baton Rouge, LA 70802	Parish:	Lafayette	
	STATEMENT (OF COMPLIANCE		•
	STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?
A written report was subm	itted in accordance with Paragraph II	of the "Order" portion of		topy machica.
the COMPLIANCE ORDER.		·		
All necessary documents we	ere submitted to the Department within	1 30 days of receipt of the		
COMPLIANCE ORDER IN BCC COMPLIANCE ORDER.	ordance with Paragraphs III and IV of t	he "Order" portion of the		
	ated reports electronically using NetDN	AR in accordance with		
Paragraph V of the "Order"	portion of the COMPLIANCE ORDER.	Ment occordance with		
All items in the "Findings of	Fact" portion of the COMPLIANCE ORD	ER were addressed and	······································	
the facility is being operated	to meet and maintain the requiremen	ts of the "Order" portion		
of the COMPLIANCE ORDER	Final compliance was achieved as of:			
	SETTLEMENT C	OFFER (OPTIONAL)		
	(check the a	pplicable option)		
Tile Respondent is	not interested in entering into settlem	ent negotiations with the D	epartment with the u	nderstanding that the
	ne right to assess civil penalties based or	· · · · · · · · · · · · · · · · · · ·		
In order to resolve Respondent is interested discuss settlement	e any claim for civil penalties for the verested in entering into settlement neg procedures.	violations in NOTICE OF PO gotlations with the Departn	OTENTIAL PENALTY (Vinent and would like to	VE-CN-17-00355), the o set up a meeting to
Respondent is is \$ • Monetary or • Beneficial Er • DO NOT SU	e any claim for civil penalties for the interested in entering into settle interested in entering into settle which shall include LDEQ enformation in the component of the component of the component interest in the control of the component interest in the control of the contro	ment negotiations with rcement costs and any mor \$ (optional)= \$ THIS FORM- the Departmen	the Department a etary benefit of non-c	and offers to pay ompliance.
The Respondent h	as reviewed the violations noted in No offer and a description of any BEPs if inc	OTICE OF POTENTIAL PENA	LTY (WE-CN-17-0035	5) and has attached a
	CERTIFICATI	ON STATEMENT		
information and belief for obove, are true, accurate, (in Louisiana and United States law i med after reasonable inquiry, the st and complete. I also certify that I do no n or operate. I further certify that I	atements and information It owe outstanding fees or i	attached and the copenalties to the Department	ompliance statement rtment for this facility
Respondent's Sign	nature Respondent's	Printed Name	Responder	nt's Title
	·····			
Respo	ndent's Physical Address	Respondent	's Phone #	Date
	MAIL COMPLETED DOCUM	····		
Louisiana Department of En				***************************************
Office of Environmental Cor				
Enforcement Division				
Post Office Box 4312				
Baton Rouge, LA 70821				

If you have questions or need more information, you may contact Jessie Canerday at (225) 219-3814 or Jessie.canerday@la.gov.



The attached enforcement action requires the use of NetDMR



WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

- 1. Register in NetDMR
- Submit Subscriber Agreement to LDEQ
- 3. Receive approval by LDEQ
- 4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at http://www.deq.louisiana.gov/netdmr for training materials and current information offered by LDEQ. Information about EPA's training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

- 1. Go to NetDMR website at https://netdmr.epa.gov/netdmr
- 2. Choose "Louisiana DEQ" as the Regulatory Authority from the drop-down list
- 3. Click the "Create a NetDMR Account" link in the login box
- 4. Complete the account information as required
 - a. Type of user must be "Permittee User"
 - b. Security answers must be unique and are case sensitive
- 5. Click "Submit" and confirm account information
- Click the link within the verification email that has been sent to your email address
- 7. Create password by following instructions on the page
- 8. Login to NetDMR
- 9. Click "Request Access" link in the top left corner
- 10. Enter Permit Number and click "Update"
- 11. Select "Signatory" role and click "Add Request"
- 12. Click "Submit" and confirm
- 13. Provide Signatory Information, click "Submit" and confirm
- 14. Click button to print Subscriber Agreement
- 15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email dequetdmr@la.gov.



WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

450	NE SEE INATUR	RE/AND)GRAVIT	YOF THE VIOLATIO	ONE SECTION
		MAJOR	MODERATE	MINOR
IIIPACTA H OR P	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
EIOFIRISKOR UMANIHEAL PROPERTY	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
T DEGRE	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred. Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

- 1. history of previous violations or repeated noncompliance;
- 2. gross revenues generated by the respondent;
- 3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
- 4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
- whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.

