## STATE OF LOUISIANA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: \* Settlement Tracking No.

\* SA-AE-23-0010

ENTERGY LOUISIANA, LLC

Enforcement Tracking No.

AI # 35260 \* AE-CN-21-00174

\*

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 Entergy Louisiana, 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 facility located in Killona, St. Charles Parish, Louisiana ("the Facility").

II

On September 17, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-21-00174 (Exhibit 1).

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 SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000.00), of which One Thousand Five Hundred Ninety-Two and 77/100 Dollars (\$1,592.77) 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 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 St. Charles 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 attached hereto.

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.

## ENTERGY LOUISIANA, LLC

$\mathcal{M}$	andy Affalter
BY:	(Signature)
no.	1 1 11
	landy K Halter
6	(Printed) eneral Manager, Plant Operations ntergy Operations, Inc.
TITLE:E	ntergy opedations, Inc.
THUS DONE AND SIGNED in duplicate origina	at
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	(stamped or printed)
LOUIS	SIANA DEPARTMENT OF
	RONMENTAL QUALITY
Roy	er W. Cringles, Secretary
BY:	Ken A. C.
	J. Cage, Assistant Secretary
Office	of Environmental Compliance
THUS DONE AND SIGNED in duplicate origina	al before me this 23rd day of
, 20 23, at Baton R	ouge, Louisiana.
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	NOTARY PUBLIC EAST BATON ROUGE PARISH
	LOUISIANA NOTARY ID NO. 51205
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Approved: I my y Cal	
Celena J. Cage, Assistant Secretary	

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY** 

**OFFICE OF ENVIRONMENTAL COMPLIANCE** 

**ENFORCEMENT DIVISION** 

CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

**EXHIBIT** 

1

**POST OFFICE BOX 4312** BATON

BATON ROUGE, LOUISIANA 70821-4312				
Enforcement Tracking No.	<del></del>	Certified Mail No.	7018 2290 0000 5826 1685	
Agency Interest (AI) No.	35260	Contact Name	Mark E. Brown	
Alternate ID No	2520,00091	Contact Phone No	(225) 210 2792	

vegich interest full inte	33200	Contact Name	WINE C. DIOWII	
Alternate ID No.	2520-00091	Contact Phone No.	(225) 219-3782	
Respondent:	Entergy Louisiana, LLC Facility Name: Waterford 3 Steam Elec		Waterford 3 Steam Electric Station	
	c/o John A. Braymer	Dhysical Leasting.	13000 Bl B I	
	Agent for Service of Process	Physical Location:	17265 River Road	
	446 North Boulevard	City, State, Zip: Killona, LA 70057		
	Baton Rouge, LA 70802	Parish:	St. Charles	

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 violations identified during the inspection and/or file review are indicated below.

The Respondent owns and/or operates the Waterford 3 Steam Electric Station (the facility), located at 17265 River Road in Killona, St. Charles Parish, Louisiana. The facility currently operates under Title V Permit No. 2520-00091-V0 issued on May 17, 2019, and

	Date of Violation	Description of Violation
n.	File Review 7/28/2021	The Respondent submitted the 2019 Title V Annual Compliance Certification after the May 1, 2020 extended due date (extended in accordance with the Second Amended Declaration of Emergency and Administrative Order issued March 27, 2020). The Respondent submitted the report on or about September 21, 2020. The failure to timely submit the Annual Compliance Certification is a violation of Part 70 General Condition M, Specific Requirement (SR) 102 of Title V Permit No. 2520-00091-V0, LAC 33:III.501.C.4, LAC 33:III.535, and La. R.S. 30:2057(A)(2). This violation was reported in the 2020 First and Second Semiannual Monitoring Reports dated September 23, 2020, and March 25, 2021, respectively, and the 2020 Title V Annual Compliance Certification, dated March 25, 2021.
111.	File Review 7/28/2021	The Respondent reported in the facility's 2019 Title V Annual Compliance Certification dated September 16, 2020, that the facility does not have non-resettable run time meters installed on Dry Cooling Tower Diesel Pump A (EQT 0011) or on Dry Cooling Tower Diesel Pump B (EQT 0012). Each failure to have a non-resettable run time meter installed is a violation of 40 CFR 63.6625(f), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, SR 8 of Title V Permit No. 2520-00091-VO, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). These violations were also reported in the 2020 First and Second Semiannual Monitoring Reports dated September 23, 2020, and March 25, 2021, respectively, and the 2020 Title V Annual Compliance Certification, dated March 25, 2021. In electronic correspondence dated July 28, 2021, a representative of the Respondent reported that the installation of non-resettable run time meters was completed on May 18, 2021.
IV.	File Review 7/28/2021	The Respondent reported in the 2019 First Semiannual Monitoring Report dated September 26, 2019, that the facility's 2019 First Semiannual report of boiler hours and excess emissions for the Portable Auxiliary Boiler (EQT 0026) was submitted late. The report was due on July 30, 2019, but was postmarked September 30, 2019. The failure to timely submit the report is a violation of 40 CFR 60.48c(j), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, SR 52 of Title V Permit No. 2520-00091-VO, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
v.	File Review 7/28/2021	The Respondent's 2019 Title V Annual Compliance Certification dated September 16, 2020, failed to disclose the late submittal of the 2019 First Semiannual report of boiler hours and excess emissions for the Portable Auxiliary Boiler (EQT 0026) or reference a previously submitted report. The late submittal was reported in the facility's 2019 First Semiannual Monitoring Report dated September 26, 2019, but this report was not referenced in the Annual Compliance Certification. The failure to submit a complete and accurate Annual Compliance Certification is a violation of Part 70 General Condition M, SR 102 of Title V Permit No. 2520-00091-V0, LAC 33:III.501.C.4, LAC 33:III.535, and La. R.S. 30:2057(A)(2).

VI.	7/28/2021	The Respondent reported in the 2020 First Semiannual Monitoring Report dated September 23, 2020, that maintenance was not conducted as required for Fire Water Diesel Pump A (EQT 0007), Fire Water Diesel Pump B (EQT 0008), Security Emergency Diesel Generator (EQT 0009), Dry Cooling Tower Emergency Pump A (EQT 0011), Dry Cooling Tower Emergency Pump B (EQT 0012), IT Emergency Diesel Generator (EQT 0013), and EGA Station Blackout Compressor (EQT 0032). The required maintenance for these engines includes an oil and oil filter change every 500 hours of operation or annually, whichever comes first; a visual air cleaner inspection every 1,000 hours of operation or annually, whichever comes first; and a visual inspection of moses and belts every 500 hours of operation, or annually, whichever comes first. In electronic correspondence dated May 12, 2021, a representative of the Respondent indicated that some maintenance had been completed for some engines, but not all. In electronic correspondence dated March 23, 2021, the representative stated that these engines have been subject to 40 CFR 63 Subpart ZZZZ since January 2013. Each failure to perform required maintenance is a violation of 40 CFR 63.6602, which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, SRs 1, 2, and 3 of Title V Permit No. 2520-00091-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). These violations were also reported in the 2020 Second Semiannual Monitoring Report and the 2020 Title V Annual Compliance Certification, both dated March 25, 2021.			
		ORDER			
Based e	on the foregoing, the Re	spondent is hereby ordered to comply with the requirements that are indicated below:			
l.		upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance egulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings			
tl.	be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address				
111.	specified in this document.  To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a revised 2019 Title V Annual Compliance Certification as described in Paragraph V of the Findings of Fact section of this COMPLIANCE ORDER.				
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , maintenance records of oil and oil filter changes, air cleaner visual inspections, and hose and belt visual inspections for EQT 0007, EQT 0008, EQT 0009, EQT 0011, EQT 0012, EQT 0013, and EQT 0032 from 2017 – 2021. The records shall include operating hours for each engine and clearly indicate which maintenance and/or inspections were missed.				
		RIGHT TO APPEAL			
ı.		ight to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this			
II.	The request for an adju- and shall briefly describ	dicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> on which the hearing is requested be the basis for the request. This request should reference the Enforcement Tracking Number and Agency are located in the upper right-hand corner of the first page of this document and should be directed to the document.			
111.	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.), and the Division of Administrative Law (DAL) Procedural Rules. 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.	request a hearing cons Section 2050.4 of the A	ER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely litutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under ct for the violations described herein.			
٧.	COMPLIANCE ORDER	re to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this hall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action iolations, although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a compliance history.			
VI.	Civil penalties of not n	nore than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. e or refusal to comply with this <b>COMPLIANCE ORDER</b> and the provisions herein will subject the Respondent			

	to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of
···	not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.
	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 violations described herein. Written comments may be filed regarding the violations 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.
11.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violations. If you would like to have such a meeting, please contact Mark E. Brown at (225) 219-3782, within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.
lfi.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order 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 violations to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this 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 an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violations described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. 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. 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.
٧.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.
•	CONTACTS AND SUBMITTAL OF INFORMATION
Enfor	cement Division: Hearing Requests:

Enforcement Division:	Hearing Requests:	
Louisiana Department of Environmental Quality	Department of Environmental Quality	
Office of Environmental Compliance	Office of the Secretary	
Air Enforcement Division	Post Office Box 4302	
Post Office Box 4312	Baton Rouge, Louislana 70821-4302	
Baton Rouge, LA 70821	Attn: Hearings Clerk, Legal Division	
Attn: Mark E. Brown	Re: Enforcement Tracking No. AE-CN-21-00174 Agency Interest No. 35260	
Permit Division (if necessary):	Physical Address (if hand delivered):	
Department of Environmental Quality		
Office of Environmental Services	Department of Environmental Quality	
Post Office Box 4313	602 N Fifth Street	
Baton Rouge, LA 70821-4313	Baton Rouge, LA 70802	
Attn: Air Permits Division		

# HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- To appeal the **COMPLIANCE ORDER** portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE" form and returning it to the address specified.

AE-CN-21-00174 CO FORM 2

- 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 violations described herein.
- The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- 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 "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The
  Respondent must include a justification of the offer.
- <u>PO NOT</u> 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.

7-17.2021

If you have questions or need more information, you may contact Mark E. Brown at (225) 219-3782, or mark.brown@la.gov.

Lourdes iturralde Assistant Secretary

Office of Environmental Compliance

cc: Entergy Operations, Inc. c/o Rodney LeBlanc 17265 River Road Killona, LA 70057

### **Attachment**

- Request to Close

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

**ENFORCEMENT DIVISION** 

CONSOLIDATED COMPLIANCE ORDER &

POST OFFICE BOX 4312

NOTICE OF POTENTIAL PENALTY



**REQUEST TO CLOSE** 



BATON ROUGE, LOUISIANA	70821-4312 REQUEST TO CL	OSE	L.C	VINTERIO
Enforcement Tracking No.	AE-CN-21-00174	Contact Name	Mark E. Brown	
Agency Interest (AI) No.	35260	Contact Phone No.	(225) 219-3782	
Alternate ID No.	2520-00091			
Respondent:	Entergy Louisiana, LLC	Facility Name:	Waterford 3 Steam	Electric Station
	c/o John A. Braymer Agent for Service of Process	Physical Location:	17265 River Road	
	446 North Boulevard	City, State, Zip:	Killona, LA 70057	
	Baton Rouge, LA 70802	Parish:	St. Charles	
	STATEMENT	OF COMPLIANCE		
	STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?
A written report was submit COMPLIANCE ORDER.	ted in accordance with Paragraph II of	the "Order" portion of the		
All necessary documents we COMPLIANCE ORDER in accordance ORDER.	re submitted to the Department with ordance with Paragraphs III and IV of	the "Order" portion of the		
the facility is being operated	Fact" portion of the COMPLIANCE ORD to meet and maintain the requiremen	PER were addressed and hts of the "Order" portion		
of the COMPLIANCE ORDER.	Final compliance was achieved as of:	, 		
		OFFER (OPTIONAL)		
The Respondent is Department has the	not interested in entering into settler e right to assess civil penalties based o	ment negotiations with the I	Department with the u 7.	nderstanding that the
AE-CN-21-00174, th	e any claim for civil penalties for the ne Respondent is interested in entering cuss settlement procedures.	e violations in COMPLIANCE g into settlement negotiation	ORDER & NOTICE OF ns with the Department	POTENTIAL PENALTY and would like to se
AE-CN-21-00174, tl \$	e any claim for civil penalties for the he Respondent is interested in enteri which shall include LDEQ enfo	ng into settlement negotiat	ions with the Departm	ent and offers to pay
	imponent = ivironmental Project (BEP)component IMIT PAYMENT OF THE OFFER WITH TI		uill seview the cettleme	nt offer and notify th
	nt as to whether the offer is or is not a		em resider die Jetheille	ne ojjer una nacijy (ne
	s reviewed the violations noted in in		CE OF POTENTIAL PENA	MTV AE-CN-21-00174

AE-CN-21-00174 CO FORM 2

	CERTIFICATION STATE	AENT	
I certify, under provisions in Louisiana and t and belief formed after reasonable inquiry, t and complete. I also certify that I do not ov operate. I further certify that I am either the	he statements and information attac we outstanding fees or penalties to (	hed and the compliance state he Department for this facili	ement above, are true, accurate,
Respondent's Signature Respondent's Printe		ne F	lespondent's Title
Respondent's Physical Address Resp		Respondent's Phone # Date	
MAII	COMPLETED DOCUMENT TO TH	E ADDRESS BELOW:	
Louisiana Department of Environmental Qu Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Mark E. Brown	ality		•