STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: * Settlement Tracking No.

SA-WE-24-0057

CITY OF PONCHATOULA

Enforcement Tracking No.

AI # 19319 * WE-CN-21-00868

*

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT * LA. R.S. 30:2001, ET SEQ. *

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between the City of Ponchatoula ("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 governmental entity that owns and/or operates a publicly owned treatment works located in Ponchatoula, Tangipahoa Parish, Louisiana ("the Facility").

П

On February 11, 2022, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00868 (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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which One Thousand One Hundred Sixteen and 48/100 Dollars (\$1,116.48) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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 Notice of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VΠ

This Settlement Agreement 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 Agreement, 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 Tangipahoa Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

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Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in

accordance with the terms of this Settlement Agreement.

IIX

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.

	CITY OF PONCHATOULA
	BY: (Signature) J. Wislay Daniels 2 (Printed)
THUS DONE AND SIGNED in du	plicate original before me this 31 day of at 101/101/14, LA 10454
	NOTARY PUBLIC (ID # 905) (stamped or printed)
	LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY Courtney J. Burdette, Secretary
	BY: Jerrie "Jerry" Lang, Assistant Secretary Office of Environmental Compliance
THUS DONE AND SIGNED in du October, 20 25 OFFICIAL SEAL DEIDRA JOHNSON NOTARY ID # 51205 STATE OF LOUISIANA PARISH OF EAST BATON ROUGE My Commission is for Life	plicate original before me this 24th day of, at Baton Rouge, Louisiana. NOTARY PUBLIC (ID # 51205
Approved:	(stamped or printed)

Jerrie "Jerry" Lang, Assistant Secretary

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IL.	The Respondent is Department receipt the Respondent is Department receipt 20 00793 is a final Date of Violation File Resident 1/25/2022 File Review 1/25/2022 File Review 1/25/2022 To Safe, Immediate with the Water Of Findings of Fetch To submit to the I	reit a response on those of the Department of the Responder from a location facilities and organizes and organizes to prograph if of the Responder of	and about July 21, 202 rement and not subject a troit about Atay 19, 20 partment and not subject at the comply subject to comply subject (DAMES) between talles to comply subject (DAMES) between the falles to comply subject and antions and annitoring a R.S. 30.2075(A)(3), and caused and/or allow a not authorized by 19 systems of treatment Day from various location to treatment of the state of	TO COMPLIANCE ORDER & IN- to further review. INCE OF FOTHINIAL PERMETS 221 COMPLIANCE ORDER & each to further review. Description of Violation with 1PDES permit LACOMA in April and December 2021 lictions for BOD, TSS, and Requirements, page 1 of 5 a and LAC 33-DESDI A) red the insufficient disclaration of the insufficient disclaration of the insufficient violation of the IRS. 3 and control. Specifically, insufficient the facility is in violation of the IRS. 3 in the collection system is the violation of the IRS. 3 insufficient of the IRS. 3 in COMPLIANCE ORDER & INC is reports. The Respondent for COMPLIANCE ORDER & INC is reports. The Respondent of the IRS. 33-DER. In with the confuterments the IRDER, any and all steps me unt not be limited by, correct days after recent of this CO	erealed that the Respondent report for all coliform (see Table 1). (LACOMA INC.) Standard Conditions for LPDES Permits of the state of the state of properly operate and maintain the Respondent reported sanitary service Table 2). The unauthorized dischal 20076[A][LI][a], and IAC 33-05-501.D. one of LPDES permit LACOMORES (Standard A)[a], and IAC 33-05-501.D. one of LPDES permit LACOMORES (Standard A)[a], and LAC 33-05-501.D. one of LPDES permit LACOMORES (Standard A)[a], and LAC 33-05-501.D. one of LPDES permit LACOMORES (Standard LACOMORES (Standard LACOMORES (Standard LACOMORES STANDARD PERMITTY INFORMATION OF POTENTIAL PERMITTY INFORMATION OF
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PV.		ty [30] days after receipt of this COMPLIANCE ORDER, the progress report
¥.	for the expeditious elimination and prevention of	purpose or this commensure choice. 19 [30] days after receipt of this COMPUANICE GROER, a comprehensive plans of moncomplying discharges. Such plan shall provide for specific corrective tide for the achievement of compliance within the shortest time possible.
VI.	Department to discuss this COMPLIANCE OFFICE at	ys of receipt of this COMPLANCE ORDER, to schedule a meeting with the dyour response. This meeting must be attended by a city representative who lacks and occurrences involved in this matter. To contact the Enforcement on fact lesse Canenday at [225] 219-3814.
	R	GHT TO APPEAL
F	The Respondent has a right to an adjudicatory hearin CRDER. This right may be energied by filing a written COMPURANCE DROER.	gon a disputed issue of material fact or of law arising from this COMPUANCI is request with the Secretary no later than thirty (30) days after receipt of the
11.	and shall briefly describe the basis for the request. I	the provisions of the COMPLIANCE ORDER on which the hearing is requester his request should reference the Enforcement Tracking Number and Ageric hand corner of the first page of this document and should be directed to the
ш.	Upon the Respondent's timely filing a request for a his COMPLIANCE ORDER may be scheduled by the Sec Administrative Procedure Act Da. R.S. 49-550, et s	earing, a bearing on the disputed issue of material fact or of law regarding this setting of the Department. The hearing shalf be governed by the Act, the eq.), and the Division of Administrative Law's (DAL) Procedural Rules. The IANCE ORDER prior to the hearing, after providing sufficient notice and an hearing.
IV.	This COMPLIANCE ORDER shall become a final enform request a hearing constitutes a waiver of the Respon Section 2050.4 of the Act for the unitation(s) describe	cement action unless the request for hearing is timely filed. Failure to timer dent's right to a hearing on a disputed issue of material fact or of law unde d herein.
٧.	COMPLIANCE ORDER shall not preclude the Respon	le an appeal or the Respondent's withdrawal of a request for bearing on the dent from contesting the findings of facts in any subsequent penalty action ondent is estopped from objecting to this COMPEIANCE ORDER becoming a
vn.	Civil penalties of not more than thirty-two thousand Respondent's failure or refusal to comply with this CI	Twe hundred dollars (\$32,500) may be assessed for each day of violation. The DMPLANCE ORDER and the provisions berein will subject the Respondent to 125, which could result in the assessment of a civil penalty in an amount of no as of continued an office or programs.
VIL.	for each violation described herein, the Department	reserves the right to seek civil penalties in any manner allowed by law, and
i i	nothing herein shall be construed to preclude the rigi	
		F POTENTIAL PENALTY
	Pursuant to La. R.S. 30: 2050-3(B), you are hereby no violation(s) described hereix. Writtes comments may to submit comments, it is requested that they be sub	offied that the issuance of a penalty assessment is being considered for the Fie Best regarding the violation(s) and the contemplated penalty. If you elec- mitted within ten (10) days of receipt of this notice.
H.	Prior to the issuance of additional appropriate enforc	ement action(s), you may request a meeting with the Department to presen (s). If you would like to have such a meeting, please contact lessie Canerda
JUL.	The Department is required by La. R.S. 30:2025 [E/3] (a) of noncompliance to determine whether a penalty Respondent's most corrent annual gross revenue stat the cited violation(s) to the above named contact peinched with your statement of monetary benefits the benefits have been gained, you are to fully justify the current annual gross revenues statement within the Respondent has the ability to pay the statutory maxis.	It consider the gross revenues of the Respondent and the monetary benefit: will be assessed and the amount of such penalty. Please forward the ement along with a statement of the monetary benefits of noncompliance for eson within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY a method(s) you utilized to arrive at the sum. If you assert that no monetar at statement. If the Respondent chooses not to submit the requested mos- in [10] days, it will be viewed by the Department as an admission that the ours penalty as outlined in La. R.S., 30: 2025.
IV.	This Consolidated Compliance Order & Notice	OF POTENTIAL PENALTY is effective upon receipt.
	and the second of the second o	SUBMITTAL OF INFORMATION
Louisia Office o Water Post Of Baton I	ment Division: na Department of Environmental Quality If Environmental Compliance Enforcement Division Tice Box 4312 touge, 14 70821 essie Canenday	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-21-00868 Agency Interest No. 19319
Mater	Permits Division (if necessary):	Physical Address (if hand delivered):
Depart Office Post O Baton	iment of Environmental Quality of Environmental Services ffice Box 4313 Rouge; LA 70821-4313 Water Permits Division	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER 8 NOTICE OF POTENTIAL PENALTY

- To appeal the CONSOLIDATED COMPLIANCE ORDER AND MOTICE OF POTENTIAL PERVALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this CONSOLIDATED COMPLIANCE ORDER AND MOTICE OF POTENTIAL PENALTY.
- To request closure of the COMPLIANCE ORDER parties, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "COMPLIANCE ORDER AND NOTICE OF POTENTIAL PEMALTY REQUEST TO CLOSE" form and returning it to the address specified.
 - Before requesting cleave of the COMPURICE ORDER portion, please contact the Financial Services Division at 225-219-3855 or email them at _DECL-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite dosine 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 hereig.
 - The Department assesses civil penalties based on IAC 33: I Subpart I. Chapter 7.
 - The Respondent may after a settlement amount but the Department is under no obligation to enter into settlement negotiations, it is decided upon on a discretionary basis.
 - The setdlement 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.
 - Before requesting closure of the NOTICE OF POTENTIAL PENALTY portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEC-WWWFinancialServices@la.gov to determine if you own outstanding fees.

Date February 11, 2022

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

Celena I Cage

Assistant Secretary

Office of Environmental Compliance

ecc: Public Health Chief Engineer
Office of Public Health
Department of Health and Hospitals

Attachment(s)

- Request to Close
- Tables 1 & 2
- Settlement Agreements Brochure

	Nation Comments			-2-3	
EDITORNAL OF PARTIEST OF ENGINE MALERTA OFFICE OF FRUID MALERIA COMPLISE.	LUUMB)		1.3	a	
NYONE DIVERSOR CONTROL COMPLIANCE DROER &			<u>É</u>		
	IKE OF POTENTIAL PER	Martin Commence	1)E()	
ARRINGER DURANT PROFESSOR	REFRESE COSE	dact Name	Jessie Canerday	DERIGHA Y	
APPER NAME OF THE PERSON.		itaci Phone No.	[225] 219-3814		
Albeitain (1) (6) (3) (30) (40)			SELECTION TO SELECTION	entropia de la companya de la compa	
Respondents City of Ponchal		Rty Name:	City of Poncharryl Treatment Facility	a Wastewater	
		sical Location:	U.S. Hary 51, two	niles south of La	
Major	Garage and the second	(State Zin:	fitery, 22		
125 W. Hickory Ponchatoula, L	Mile Straight and the form weather the straight and the	ish:	Penchatoula, LA 70 Tangipahoa	#54	
	STATEMENT OF COL	API IANCE			
STATEMENT OF			Date Completed	Copy Attached?	
A written report was submitted in accordance a	A linear and the last of the l	er" portion of the	- Cata Completed	copy.ntactieur	
COMPLIANCE ORDER					
All necessary documents were submitted to the COMPLIANCE ORDER in accordance with Parage	Department within 30 days	of receipt of the			
COMPLIANCE UNDER					
A meeting was attended in accordance with COMPLIANCE ORDER	Paragraph III of the "Order	portion of the			
All items in the "Findings of Fact" portion of the	COMPLIANCE ORDER were	addressed and			
the facility is being operated to meet and main	ain the sequirements of the	"Order" portion		The state of	
of the COMPELANCE ORDER, Final compliance of	The second secon	100 - E			
	SETTLEMENT OFFER	OPTIONAL)			
	(check the applicable	option)			
The Respondent is not interested in e	ntering in a settlement need	itiations with the D	enactment with the ti	nderstanding that the	
Department has the right to assess car					
In order to resolve any claim for civi	penalties for the violation	s in NOTICE OF PO	TENT AL PENALTY (V	VE-CN-21-00868), the	
Respondent is interested in entering discuss settlement procedures.	Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to				
In order to resolve any claim for can	benalties for the violation	s in NOTICE OF PC	ITENTIAL PENALTY IN	VF-CN-21-068681 the	
Respondent is interested in ent	ering into settlement n	egutiations with	the Department	and offers to pay	
\$ which shall • Monetary component =	l include LDEQ enforcement	costs and any mon	etary benefit of non-c	ompliance.	
Beneficial Environmental Project	t (BEP)component (optional				
• DO NOT SUBMIT PAYMENT OF		the Department w	ill review the settleme	nt offer and notify the	
Respondent as to whether the		garage and market and		was in the same	
The Respondent has reviewed the vic justification of its offer and a description			FILL (ALE-CHI-ST-DORP)	s) and has attached a	
	CERTIFICATION STA	TERRENT	25		
I constitut another about the fact that the same and a		1-10			
I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on Information and belief farmed after reasonable inquiry, the statements and information attached and the compliance statement ubone,					
are true, accurate, and complete. Lalso certify	that I do not owe outstand	ing fees or penaltic	s to the Department	for this facility or any	
other facility I own or operate. I further certify	cuat i uni either the Kespor	ident or an authori	sed tetresentative of	the Respondent.	
Mount	Males A.	الجذيا	Manac		
Respondent's Signature	1. Waley Daw Respondent's Printed	Name	Responde	nt's Title	
	Assert Committee Committee				
Respondent's Physical Ad	dress	Respondent	s Phone #	Date	
MAIL COM	PLETED DOCUMENT TO	THE ADDRESS	BELOW:		
Louisians Department of Environmental Quality					
Office of Environmental Compliance Enforcement Division					
Post Office Box 4312					
Baton Rouge IA 70821 Attn; Jessie Canerday					

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

Table 1. Efficient Limit Enceedance

Perimeter:	Permit Limit	Sample Value
8005 Setay, 20 deg. C Montbly Average	117 lb/d	213 lb/d
BOD, 5-day, 20 dag. C Monthly Average	10-mg/L	13 mg/L
BOD, 5-day, 20 deg. C'Meethy Average	15 mg/L	19 mg/L
Coliform, fecal general Monthly Average Geometric	200 #/100mL	525 #/100ml.
Colline, fetal general Weekly Average Geometric	400 #/100mt	2064 #/100ml
Solids, total suspended Monthly Average	175 lb/d	236 lb/d
BOD, 5-day, 20 deg. C. Monthly Average	117 lb/d	232 lb/d
BOD, 5-day, 20 deg. C Monthly Average	10 mg/L	17 mg/L
BOD, S-day, 20 deg. C Weekly Average	15 mg/L	20 mg/L
Coliform, fecal general Monthly Average Geometric	200 #/100mil	987 #/100mL
Coliform, fecal general Weekly Average Geometric	400 #/100ml	1536 #/100ml
Solids, total suspended Monthly Average	175 lb/d	326 lb/d
Solids, total suspended Monthly Average	15 mg/L	24 mg/L
Solids, total suspended Weekly Average	23 mg/L	29 mg/L
	117 6/6	218 lb/d
BOD, 5-day, 20 deg. C Monthly Average	10 mg/L	16 mg/L
80D, 5-day, 70 deg, C Weekly Average	15 mg/L	19 mg/L
		292 #/100mL
	The state of the s	990 #/100mL
The same of the sa		276 lb/d
		20 mg/L
Control to the control of the contro		25 mg/L
		216 lb/d
		14 mg/L
THE TOTAL OF THE PARTY OF THE P		18 mg/L
		631 #/100mL
	The state of the s	983 #/100mL
		281 lb/d
Control of the Contro		SOUND AND SOUND
		19 mg/L
	30 A CLEAN AND A C	25 mg/L
CONTRACTOR TO BE AND ADDRESS OF THE CONTRACTOR O		170 lb/d
Control of the contro		14 mg/L
Company of the Compan	**************************************	17 mg/L
		691 #/100mL
A STATE OF THE STA	7.047	1322 #/100ml
Control Contro		243 lb/d
A STATE OF THE PROPERTY OF THE		20 mg/L
		32 mg/L
	344	176 lb/d
		15 mg/L
BOD, 5-day, 20 deg. C Weekly Average	15 mg/t	19 mg/L
Coliform, fecal general Monthly Average Geometric	200.#/100mt	353 #/100mt
Coliform, fecal general Weeldy Average Geometric	400 #/100mL	600 #/100mL
BOD, 5-day, 20 deg. C Monthly Average	117 lb/d	326 lb/d
BOD, S-day, 20 deg. C Monthly Average	10 mg/t	28 mg/L
BOD, 5-day, 20 deg, C Weekly Average	15 mg/L	35 mg/L
	800; S-day, 20 deg. C Monthly Average 800; S-day, 20 deg. C Weekly Average 800; S-day, 20 deg. C Weekly Average 800; S-day, 20 deg. C Weekly Average Geometric 80ids, total suspended Monthly Average 800; S-day, 20 deg. C Monthly Average 800; S-day, 20 deg. C Monthly Average 800; S-day, 20 deg. C Weekly Average 800; S-day, 20 deg. C Weekly Average 800; S-day, 20 deg. C Weekly Average 800; S-day, 20 deg. C Monthly Average 800; S-day, 20 deg. C Month	\$600, \$-\$day, 20 deg. C Monthly Average 137 lb/d 2000, \$-\$day, 20 deg. C Monthly Average 15 mg/l 2000, \$-\$day, 20 deg. C Monthly Average 250 lb/d 2

10/31/2011**	Collinson, Secol governi Weekly Assage Geometric	400 H/100mL	764 #/100mL
10/31/201**	Solids, restal suspended Monthly America	17516/6	409 lb/d
10/31/2021**	Solds coal suggested Manhly Average	15 mg/L	35 mg/t.
10/21/2021	Solds, shall happened at Wellshy Average	33 m/r	45 mg/L
11/00/200110	BOD Stay Judge Monthly Average	117 lb/d	564 lb/d
SEASON NO.	BCD, 5-Gay, 20 day. C Microbily Average	10 me/s	48 mg/1
11/20/2011**	BCO, S-day, 20 des CWelley Average	15 mg/L	61 mg/L
112002002140	Selidu total suspended Monthly Average	175 lb/d	870 lb/d
11/30/2021**	Solids, total sespended Monthly Average	15 mg/L	75 ang/L
11/30/2021**	Solids, total suspended Weeldy Average	23 mg/L	97 mg/L
12/31/2021**	BOD, 5-day, 20 dag, C Monthly Average	117/6/6	544 lb/d
12/31/2021**	800, 5 day, 20 deg. C Monthly Average	10 mg/t	47 mg/L
12/31/2021**	BOD, 5-day, 20 deg. C-Weekly Average	15 mg/L	56 mg/t.
12/31/2021**	Solids, total suspended Monthly Average	175 lb/d	1012 lb/d
12/31/2021**	Solids, total suspended Monthly Average	15 mg/t	87 mg/L
12/31/2021**	Solids, total suspended Weekly Average	23 mg/L	95 mg/L
12/31/2021**	Chlordane Monthly Average	.00000324 lb/d	<.072975 lb/d
12/31/2021**	Chlordane Weekly Average	.00000772 lb/d	.072975.lb/d

^{**} Declaration of Emergency and Administrative Order for Severe Weather May 17, 2021, in effect May 17, 2021, through June 17, 2021.

** Declaration of Emergency and Administrative Order for Tropical Storm IDA in effect August 29, 2021, through December 20, 2021.

Table 2. Sanitary Sewer Overflows (SSOs)

Date	Location	Amount	Media Affected	Duration of SSO	Cause
6/6/2021*	Manhole at entrance to Walmart	unknown	Soil	8 hours	
	Intersection of Barringer Rd, & HWY 51	unknown	Water	8 hours	
	Intersection of St. Patricks Blvd. & HWY 51	unknown	Water	8 hours	
	Intersection of SE Service Rd. & Plum St.	unknown.	Water	8 hours	
<i>-</i>	Manhole at entrance to Walmart	unknown	Soil	6 hours	1
	Intersection of Barringer Rd. & HWY 51	unknown	Water	6 hours	
6/13/2021*	Intersection of St. Patricks Blvd. & HWY 51	unknown	Water	6 hours	
	Intersection of SE Service Rd. & Plum St.	unknown	Water	6 hours	
	Manhole at entrance to Walmart	unknown	Soil	6 hours	
5/18/2021*	Intersection of Barringer Rd. & HWY 51	unknown	Water	6 hours	
plicimi	Intersection of St. Patricks Blvd. & HWY 51	unknown	Water	6 hours	
	Intersection of SE Service Rd. & Plum St.	unknovm	Water	6 hours	Localized flooding
	Manhole at entrance to Walmart	unknown	Soil	3 hours	exceeded pumping capacity
c ba boas	Intersection of Barringer Rd. & HWY 51	unknown	Water	3 hours	
6/21/2021	Intersection of St. Patricks Blvd. & HWY 51	unknown	Water	3 hours	
	Intersection of SE Service Rd, & Plum St.	unknown	Water	3 hours	
	Manhole at entrance to Walmart	unknown	Soil	3 hours	
s to a to to to	Intersection of Barringer Rd. & HWY 51	unknown	Water	3 hours	
6/22/2021	Intersection of St. Patricks Blvd. & HWY 51	unknown	Water	3 hours	
	Intersection of SE Service Rd. & Plum St.	unknown	Water	3 hours	
6/27/2021	Manhole at entrance to Walmart	anknown	Soil	6 hours	
	Intersection of Barringer Rd. & HWY 51	unknown	Water	5 hours	
9/27/2021	Intersection of St. Patricks Blvd. & HWY 51	unknown	Water	6 hours	
	Intersection of SE Service Rd. & Plum St.	unknown	Water	6 hours	n issandi was
	Manhole at entrance to Walmart	unknown	Soil	24 hours	J
	Intersection of Barringer Rd. & HVVY 51	unknown	Water	24 hours	Localized floodin due to Hurricane fida exceeded pumping capacit
	Intersection of St. Patricle Blvd. & HWY 51	unknown	Water	24 hours	
8/29/2021**	Intersection of SE Service Rd. & Plum St.	unknown	Water	24 hours	
elestener .	Intersection of Cedar Ln. & W. McClellan St.	unknown	Water	24 hours	,
	Belle Maison lift station	unknown	Water	unknown	Device subject de
	West Willow lift station	unknown	Water	unknown	Power outage du to Hurricane Ida
	Kemp St. lift station	unknown	Water	unknown	to the tribute ing

Declaration of Emergency and Administrative Order for Severe Weather May 17, 2021, in effect May 17, 2021, through June 17, 2021.
 Declaration of Emergency and Administrative Order for Tropical Storm IDA in effect August 29, 2021, through December 20, 2021.
 WE-CN-21-00868

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 Alfomey 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 331.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation besed on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

	MATU	REAND GRAVII	Y OF THE VIOLATIO	A .
		MAJOR	MODERATE	MINOR
імпаст н ок	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
OF RISK OH DMAN HEALT FROPERTY	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
DEGREE	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 defrimental 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 defrimental 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, parmit limits, or permit requirements that result in negating the intent of the requirement to such an except that fille 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 culpebility, recalcitrance, defiance, or indifference to regulations or orders;

4. whether the Respondent has falled to miligate 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.



Given the previous information, the following formula is used to obtain a penalty amount.

Penalty Event Total - Penalty Event Minimum - (Adjustment Percentage x Penalty Event Maximum - Penalty Event Minimum !)

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offier is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters
Settlement Agreements	Media: Air Quality, Function: Enforcement; Description: Settlement Enforcement Division's website
	specific examples can be provided upon request
Penalty Determination Method	LAC 33:I Chapter 7
Beneficial Environmental Projects	LAC 33.1 Chapter 25 FAOs
Judicial Interest	provided by the Louisiana State Bar Association

